

Sample 6 – Applicant’s Affidavit

Magistrates Court OF QUEENSLAND

REGISTRY: Number: of 2010
IN THE MATTER of CATHERINE DELIA PENNIE
AND IN THE MATTER of an Application for a Special
Hardship Order pursuant to Chapter 10 of the Transport Operations
(Road Use Management - Driver Licensing) Regulation 2021

CATHERINE DELIA PENNIE, of 10 Wish Street, Whoop Whoop in the State of Queensland, Nurse, states on oath:

1. I am the Applicant in this matter.
2. I was born on 1 June 1973 and am 38 years of age. I am divorced with no children.
3. I am the holder of Queensland driver licence number 956102 (Type O, Class C) which expires on 1 June 2011. Exhibit CDP1 is a copy of my driver licence. My licence was suspended on 8 November 2010 pursuant to the Notice of Suspension dated 8th October 2010 Exhibit CDP2 is a copy of the Notice of Suspension.
4. My current position is with the We Care Hospital at Toowoomba. I joined We Care Hospital seven years ago, in November 2003. The hospital is about 45 minutes drive from my home at Whoop Whoop. Exhibit CDP3 is a copy of my current job description and Exhibit CDP4 is a copy of my Curriculum Vitae.
5. I work for a total of 37 hours per week over five days per week, with the days and hours changing according to the monthly roster. I am also on call for 24 hours straight approximately once every three months. At the moment my roster is from Tuesday to Saturday inclusive as follows:
 - Tuesday/Wednesday: 5am to 1:30pm (one hour lunch break)
 - Thursday/Friday: 8am to 4pm (half hour lunch break)
 - Saturday: 5am to 2pm (half hour lunch break).My next 24 hour on call period commences this coming Sunday.
6. My work is a combination of looking after patients at the hospital and visiting others at their homes. I drive my own vehicle to and from work and to and from the hospital for appointments at patients' homes. There is a small team of us on different rosters doing the same duties, and it is occasionally possible to swap appointments outside the hospital, but I have no ability to do this on a longterm basis. I go by myself to

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Signed: _____

Taken by: _____

AFFIDAVIT BY CATHERINE DELIA PENNIE
Filed on behalf of the Applicant
Form 46 Rule 431
Filed on behalf of the Applicant

CATHERINE DELIA PENNIE
10 Wish Street
WHOOB WHOOB QLD 4352
Tel: 07 3818 1234

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these appointments, often carrying quite bulky medical supplies (dressings etc) and sometimes aids like wheelchairs, shower chairs etc. There is nobody available to drive me to and from them. Also, sometimes I arrive there and find that particular supplies are necessary, and I then make a trip back to and from the hospital to obtain these.

7. There is no direct public transport from my home at Whoop Whoop to the hospital. The only public transport is by bus, and the bus service does not start until 6am on weekdays, 7am on Saturdays and 8am on Sundays and public holidays. The bus service finishes at 11pm on weekdays and 10pm on weekends and public holidays. There is no direct bus service from my home to the hospital. The nearest bus stop to my home is about a 15 minute walk. I would then need to catch the bus into the town centre and then a different bus from the city centre to the hospital. The trip into the town takes about 45 minutes depending on the time of day, and then another 30 minutes or so from the city to the hospital. There is a bus stop directly outside the hospital entrance. Altogether, to travel each way by bus would take me about an hour and a half, about double the time it takes by car. As well, there is no way I would be able to get to work in time to start any days with shifts commencing before about 7:30am on weekdays, later on other days. I would have a similar problem at finishing time for the shifts when I finish late at night or very early morning and when I am on call.
8. I do not have anyone who could drive me to and from work on the days when I cannot catch the bus due to timing difficulties. There are no colleagues who work the same shifts who live anywhere near me, and I cannot afford to pay for taxis on these occasions. The position is the same for my calls on patients at their homes. Even if there were buses available to get to and from these appointments, on many occasions I need private transport to carry the supplies and equipment I take with me. While there is some flexibility with the timing of these appointments, there is not enough to be able to work in with the bus timetable.
9. I have outlined above the nature of my work duties and the hours of same at We Care Hospital and the work related need for me to have a driver’s licence. As is shown in my CV, since graduation from university my work experience has been solely in small private hospitals like We Care Hospital. Just as I would lose my current position with We Care Hospital if I do not have a driver’s licence, I could not gain employment elsewhere within the health industry without a driver’s licence because the type of work that I am qualified for by training and experience is invariably shift work, as well as being on call for 24 hour periods or more, with both of these including on weekends and public holidays, when public transport is often not available. To enable me to work in the profession for which I am qualified a driver’s licence is essential.

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10. As a divorced person my salary is my only means of supporting myself and servicing my mortgage and other necessities. While I have some savings, I do not have sufficient to live on for six months. My take home pay each week (excluding if I have an on call period) is \$1,154.00. My weekly commitments are approximately as follows:

i. Mortgage	\$325.00
ii. Car loan	\$104.00
iii. Petrol	\$200.00
iv. Car Registration /maintenance	\$ 30.00
v. Food	\$150.00
vi. Telephone (including mobile)	\$ 30.00
vii. Electricity	\$ 35.00
viii. Health insurance	\$ 60.00
ix. Superannuation/life insurance	\$ 40.00
Total	\$1084.00

I also try to put away \$100.00 per week to a savings fund for a “rainy day”. If I am unable to work for six months I will suffer extreme hardship.

11. Although I am divorced without children, I have family responsibilities in that my mother Delia Ethel Pennie has cancer and is currently undergoing chemotherapy and radiotherapy at Whoop Whoop Hospital, a public hospital. My father died some years ago and my mother does not drive. My brother Charlie, his wife Donna and I co-operate to ensure that my mother gets to her various treatment sessions. Both Charlie and Donna work fulltime and have two primary school age children to look after. I estimate that I take my mother for about half of her appointments, including waiting with her at the treatment and taking her home. Without a driver’s licence I would be unable to assist with my mother. As Charlie and Donna do not have the capacity to take over the times that I currently spend with my mother, my mother would be unable to attend for a lot of her treatments, and her prognosis would be much worse than if she is able to attend everything. I have obtained a letter from my mother’s specialist outlining her medical condition and the necessity for treatment appointments. Exhibit CDP5 is a copy of this letter.

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Signed:

Taken by:

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13. As well as my paid employment, I am a panelist on a radio station on the first Monday each month for an hour on health matters. While I do not receive payment for this other than an allowance to cover kilometres, I sign a contract annually which I have just renewed. The studio is about an hour’s travel from Whoop Whoop, and the only feasible method of transport is by car. To go by public transport it would mean a bus trip to the station, by train into the town centre and then back out again to the other side, taking about 2 hours each way. From Whoop Whoop by car I can cut straight across without going through the city. I have negotiated with We Care Hospital so that this commitment is always possible even with my shift work and on call work, but I have not allowed for the extra time it would take if I had to use public transport. Without a driver’s licence I would be unable to continue this commitment, and would be in breach of my contract.
14. In relation to my work as a panelist, exhibit CDP6 is a copy of a reference from Ms Jane Doe.
15. Since obtaining my licence some 17 years ago I have committed some relatively minor traffic offences. I went onto a 12 month Good Driving Behaviour period approximately 10 months ago as a result of an accumulation of points from a mixture of speeding, not wearing a seatbelt etc as shown on my traffic history, a copy of which is exhibit CDP7. Unfortunately, before the expiry of the 12 months, in early June, I was on my way to meet a friend at night, travelling just under the “normal” speed limit of 80 kms per hour. I did not notice that there was a reduced speed limit due to road works. I did not deliberately speed, but I am familiar with speed limits in the local area and I obviously did not pay proper attention to the change of speed limit in the area due to the changed circumstances. I have not committed any further traffic breaches since this breach.
16. I have never intentionally and would never put any other person’s life or my own in danger. The suspension of my driver’s licence has brought home to me the importance of being able to drive and on 29 October 2010 I completed a Defensive Driving Course at the Whoop Whoop Training Centre and annexed hereto and marked CDP8 is a copy of the Defensive Driving Certificate issued to me on 29th October 2010.
17. All the facts and circumstances above deposed to are within my own knowledge save such as are deposed to from information only and my means of knowledge and sources of information appear on the face of this my Affidavit.

Sworn by the deponent at Whoop Whoop this day of , 2010 at
in the presence of:

(Signature of Deponent)

A Justice of the Peace/Solicitor