

# Sample 5 – Special hardship order application

## Special Hardship Order Application

Transport Operations (Road Use Management) Act 1995



Queensland Government

### 1. Personal Details

Family name (please PRINT)

PENNIE

Given name/s

CATHERINE DELIA

Date of birth

Place of birth

1 / 06 / 73

Current residential address (number, street and suburb)

10 WISH STREET

WHOOOP WHOOOP

Old driver licence number

Expiry date

956102

1 / 06 / 2011

Licence class/es

Occupation

C

NURSE

2. Is your licence currently suspended because you have gained 2 or more demerit points when driving under an agreement to be of good driving behaviour (GDB) for 1 year?

No  Yes

3. Is your licence currently suspended because of an offence of driving more than 40 km/h over the speed limit?

No  Yes

4. Is your suspended licence a Qld provisional or open licence?

No  Yes

5. Is this application relating to the same class as your suspended Qld licence?

No  Yes

6. Prior to this latest suspension, has your Qld licence been suspended or cancelled in the last 5 years because of the accumulation of demerit points or a speeding offence?

No  Yes

7. Prior to this latest suspension, has your authority to drive in Qld under a non-Qld licence been suspended in the last 5 years because of the accumulation of demerit points or a speeding offence?

No  Yes

8. Prior to this suspension, have you been ineligible to apply for a Qld licence, in the last 5 years, because of the accumulation of demerit points or a speeding offence?

No  Yes

9. Have you been disqualified from holding or obtaining a licence by a court in the last 5 years?

No  Yes

10. You are required to give the court an affidavit containing information relevant to your circumstances. What information or details of information are you relying on in your affidavit to satisfy the court that this application should be granted?

I am required to drive for my work carrying bulky medical supplies. I and my family would also suffer severe and unusual hardship if I couldn't drive for other purposes.

### 11. Applicant's declaration

I declare that I have read all the answers I have given to the questions in this application and that the answers given by me are complete, true and correct in every detail. I understand that if I have stated anything in this application that is false or misleading, my application may be refused. I understand that I may be prosecuted for giving or stating any false or misleading information or documents.

Applicant's signature

Date

C D Pennie

18 / 11 / 2010

### 12. Magistrates Courts Use Only

This application was filed in the Magistrates Court at:

on / /

### Notice of Hearing

This application will be heard in the Magistrates Court at:

on / / at / / am/pm

Clerk of the Court's signature

Date

/ /

### 13. Department of Transport and Main Roads Use Only

A copy of this application was filed in the office of the Department of Transport and Main Roads (the department).

Authorised person's name (please PRINT)

/

Driver licence issuing centre

/

Authorised person's signature

Date

/ /

### Privacy Statement

The Department of Transport and Main Roads (the department) provides this form under the Transport Operations (Road Use Management) Act 1995 so that you may apply to a court for a Special Hardship Order. The information collected on this form will be accessible by authorised departmental persons of the Department of Justice and Attorney-General, Queensland Police Service, the department and may be disclosed to interstate driver licensing authorities. The department will not disclose your personal information to any other third parties without your consent unless authorised or required by law.

SSA Multimedia Services Form F4401 V01 Jun 2010

## 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 Part 14 of the Transport Operations  
(Road Use Management - Driver Licensing) Regulation 2010

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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

## Sample 6 – Applicant’s Affidavit continued

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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Signed:

Taken by:

Sample 6 – Applicant’s Affidavit continued

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
<b>Total</b>	<b>\$1084.00</b>

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:

Sample 6 – Applicant’s Affidavit continued

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

**Sample 7 – Certificate of exhibit**

**MAGISTRATES COURT OF QUEENSLAND**

**REGISTRY:**  
**NUMBER:** of 2010

**Applicant: CATHERINE DELIA PENNIE**

This is exhibit “CDP5” to the affidavit of Catherine Delia Pennie sworn 2010.

\_\_\_\_\_  
Deponent

\_\_\_\_\_  
A Justice of the Peace/Solicitor

\_\_\_\_\_  
CERTIFICATE OF EXHIBIT  
Filed on behalf of the Applicant

\_\_\_\_\_  
CATHERINE DELIA PENNIE  
10 Wish Street  
WHOOOP WHOOOP QLD 4352  
Tel: 07 3818 1234

## Sample 8 – Employer’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  
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#### AFFIDAVIT OF SANDY DENNY

SANDY DENNY of 15 Aged Circuit, Toowoomba in the State of Queensland, Director of Nursing, state on oath as follows:

1. I am the Director of Nursing at We Care Hospital in Toowoomba, which employs the applicant Catherine Delia Pennie as a full time nurse.
2. The hospital employs several nurses on a rotating shift basis. The rosters are done monthly in advance. Each full time position involves 37 hours per week over five days per week, with the days and hours changing according to the monthly roster. Each nurse is also required to be on call for 24 hours straight approximately once every three months.

Under the current roster for the month of June, Catherine is working from Tuesday to Saturday inclusive each week 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).

Her next 24 hour on call period commences this coming Sunday

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Deponent:  
AFFIDAVIT BY SANDY DENNY  
Filed on behalf of the Applicant  
Form 46 Rule 431

Solicitor:  
CATHERINE DELIA PENNIE  
10 Wish Street  
WHOOOP WHOOOP QLD 4352  
Tel: xxxx xxxx

Sample 8 – Employer’s Affidavit continued

3. Catherine’s duties are a combination of looking after patients at the hospital and visiting others at their homes. The hospital does not provide a driver or a vehicle for these visits, it being part of Catherine’s conditions of employment that she has a driver’s licence and provides her own transport. There is a small team of nurses on different rosters doing the same duties, and nurses can swap shifts themselves, which happens sometimes when a nurse’s car is out of service, but this would not be possible on a long term basis. The appointments are scheduled fairly close together, and it is often necessary for the nurse to carrying quite bulky medical supplies (dressings etc) and sometimes aids like wheelchairs, shower chairs etc. Occasionally another health professional such as a physiotherapist goes with the nurse, but this is not frequent. It would not be possible to adhere to the appointments scheduled and carry any necessary equipment without private transport.
4. If I had to estimate the percentage of time Catherine spends on outside visits, I would say it is probably more than half of her total work hours, although it fluctuates depending on the needs of patients.
5. As previously mentioned, having a licence and one’s own vehicle are part of the nurses’ conditions of employment, and the hospital does not see itself as responsible to fill in if an employee for one reason or another no longer has a licence or a vehicle. If Catherine does not have a valid licence, she would not be able to fulfill a vital condition of her employment, and I would have no option but to terminate her employment with the hospital as there is no available job she can do for the hospital that does not require a driver’s licence. While there are other nurse positions based solely at the hospital, none of these are vacant at present, and I am not aware of any likely upcoming vacancies. In any event, these positions are also shift work, with starting/finishing times often outside the hours that public transport is available.
6. 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.

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

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(Signature of Deponent)

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A Justice of the Peace/Solicitor