

# Long career ends on the ladies' tee

## \$300,000 for golf cart crash



**Game over:** Noreen Smith misses playing golf. Picture: PAUL TREZISE

### Philip Cullen

County Court reporter

**AN elderly golfer seriously injured when her playing partner ran over her in a motorised cart was awarded almost \$300,000 in compensation yesterday.**

Noreen Mary Smith, 77, was a member of Kingswood Golf Club, Dingley, for 31 years and usually played twice a week before she was hit in February 2002.

Mrs Smith was pushing her golf buggy towards the ladies' third tee when her playing partner, Joan Sutton, lost control of the cart she was driving.

Mrs Smith said she felt a "dreadful weight" hit her from behind and while lying on the ground heard Mrs Sutton call out: "What have I done? What have I done?"

Mrs Smith, of Dandenong, sued the club and Mrs Sutton, 61.

The County Court heard Mrs Smith had previously lived independently and led an active life but severe injuries to her ankle and shoulder had led to several stints in hospital.

She has since suffered



**A motorised golf cart**

an irregular heartbeat and high blood pressure requiring medication.

Mrs Smith said she depended on her son for help with driving, shopping and looking after the house and garden.

She had been more worried, frustrated and disappointed with her life, saw her future as being very changed and restricted, and missed playing golf very much.

The court heard a wheel of Mrs Sutton's cart went into a depression containing solenoid valve boxes for watering and she accelerated to get out of it.

Mrs Sutton immediately came close to bushes on her left and drove into Mrs Smith after oversteering to the right.

Judge Wendy Wilmoth said she found Mrs Sutton clubs that they had a brake but failed to do so.

"When faced with an obvious or common haz-

ard, people are expected to take reasonable care for their own safety," Judge Wilmoth said.

"They should watch where they walk, or in this case, drive."

Judge Wilmoth said the golf club, which hired the carts and knew of the concealed depression, owed a duty of care to both pedestrians and driving golfers.

She found the club was 60 per cent liable for the negligence with Mrs Sutton liable for 40 per cent.

Mrs Smith was awarded \$292,216 which includes \$158,966 for past and future medical expenses, and \$130,000 in general damages and interest.

Nicholas O'Bryan, of law firm Galbally and O'Bryan, said Mrs Smith was still an honorary member of the club.

Mr O'Bryan said Mrs Smith was forced to go to court when the defendants couldn't agree on who was at fault and now wanted to put it all behind her.

He said the judgment was a warning to golf clubs that they had a duty to provide designated and safe pathways for carts.