

# Court upholds \$2.6m golf payout

A NORTH Queensland golfer severely injured when he was hit by a golf ball 10 years ago had his \$2.6 million damages payout upheld by a Brisbane court today.

Glen Thomas Ollier was playing in a charity golf game at the Magnetic Island Country Club, off Townsville, in August 1994, when he was hit by a golf ball.

Mr Ollier, an inexperienced golfer, suffered serious permanent brain damage and was awarded \$2.6 million in damages by the Supreme Court in Townsville.

The award was against the player who hit the ball. Mark Roy Shanahan, on the basis he was negligent in not looking ahead before teeing off, or if he did look ahead he should not have played the shot until Mr Ollier's group had moved on.

The appeal by Mr Shanahan to the Queensland Court of Appeal was dismissed today.

The appeal was made on the basis that it was impossible for Mr Shanahan to see Ollier's group because they were playing near trees in dappled light and shade.

This was rejected by the court today, with Justice Bruce McPherson describing it as "a most improbable explanation of the tragedy" which happened on a clear, sunny day.

"The only plausible explanations fairly open are that the defendant did not look properly before playing off; or that he looked and decided to take the risk that none of those ahead would be struck by his ball." Justice McPherson said.

"In either event, he is plainly negligent."

Mr Ollier had also sued the golf club at trial, but this was dismissed and was challenged on appeal.

**Herald Sun 30 April 2004**