



Be careful of your lie

Last month the Supreme Court ruled in the case of *Oei v The Australian Golf Club* [2016] NSWSC 846.

Dr Oei, a successful sports physician joined The Australian Golf Club in 2007, paying a \$20,000 plus joining fee and yearly membership fees.

The Club alleged that on two occasions in 2015, Dr Oei was observed by other members to pick up and move his golf ball in order to improve his stance and lie. In January 2016, the Club held a Disciplinary Hearing and found Dr Oei guilty of “conduct unbecoming of a member”. They stated that he had breached the Rules of Golf and expelled him from the Club.

Dr Oei denied the alleged conduct. He sought orders from the Court that would set aside the expulsion, or in the alternative, award him damages. He pleaded that his “unbecoming conduct” was not scandalous, but merely trivial, and that the expulsion was unreasonable.

The Court decided that it could hear Dr Oei’s challenge to the Club’s decision.

Justice Sackar reviewed the Disciplinary Hearing evidence which focused on Dr Oei’s changing accounts of what happened. He did not agree with Dr Oei’s assertion of inexperience and took a view that Dr Oei knew that what he was doing was contrary to the Rules of Golf. He added “...it was open on the evidence... for the Board to determine that on the two occasions [Dr Oei] deliberately moved his ball in a manner contrary to the Rules so as to gain a playing advantage”.

The Supreme Court refused to intervene, stating it was reasonable for the Club to expel Dr Oei based on the evidence available. Dr Oei’s claim was unsuccessful and was dismissed.

I’m sure there is an uncharitable joke to be made here about doctors playing golf; but I will refrain.