

MEMORANDUM

TO: Mr Ben Matlock

FROM: Jon-Paul Furlan & Joshua Peter

DATE: 07/05/2023

FILE: Arianna Koori (Sanitech/Crystal Beach Resort (CBR)).

SUBJECT: Breach of Contract. Misleading conduct by CBR in a commercial agreement for the supply of goods and services under *Australian Consumer Law*.

1. INTRODUCTION

This memorandum addresses Arianna's questions as to whether Sanitech was entitled to cancel the contract with CBR and obtain a refund and if any legal action can be taken against CBR for breach of contract under the *Australian Consumer Law*.

2. FACTS (also assumptions if applicable)

The advice set out in this memorandum is given in relation to the facts presented to us by Arianna Koori. It is understood that Arianna is the CEO of Sanitech Ltd, a multimillion dollar public listed on ASX company. Each year Arianna takes her Senior management team on retreat with aims to influence, motivate, educate and enhance the company corporate culture. This year Arianna selected Crystal Beach Resort (CBR) and dealt with Lorraine, CBR's Corporate Relations Manager. Arianna toured the resort, was given a complimentary lunch to sample the food and was assured that "everything would be perfectly arranged". Arianna booked the food/accommodation/conference package for \$98,000 and was required to sign a brief standard form contract which she did after "briefly glancing at it". There were problems with the conference room: faulty audio-visual equipment, lighting and air-conditioning. CBR staff did not offer to remedy the situation. The food provided was of poorer standard than that sampled by Arianna. After discussions with Lorraine did not appease, Arianna led a walk out of her staff and told Lorraine "the deal is off".

3. ISSUE(S)

- 1. Issue 1:** Does the Australian Consumer Law apply to this case?

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Table of Contents Memorandum Of Focus Practise Paper Three Grade 1

1. Understanding the eBook Memorandum Of Focus Practise Paper Three Grade 1
 - The Rise of Digital Reading Memorandum Of Focus Practise Paper Three Grade 1
 - Advantages of eBooks Over Traditional Books
2. Identifying Memorandum Of Focus Practise Paper Three Grade 1
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Memorandum Of Focus Practise Paper Three Grade 1
 - User-Friendly Interface
4. Exploring eBook Recommendations from Memorandum Of Focus Practise Paper Three Grade 1
 - Personalized Recommendations
 - Memorandum Of Focus Practise Paper Three Grade 1 User Reviews and Ratings
 - Memorandum Of Focus Practise Paper Three Grade 1 and Bestseller Lists
5. Accessing Memorandum Of Focus Practise Paper Three Grade 1 Free and Paid eBooks
 - Memorandum Of Focus Practise Paper Three Grade 1 Public Domain eBooks
 - Memorandum Of Focus Practise Paper Three Grade 1 eBook Subscription Services
 - Memorandum Of Focus Practise Paper Three Grade 1 Budget-Friendly Options
6. Navigating Memorandum Of Focus Practise Paper Three Grade 1 eBook Formats

- ePub, PDF, MOBI, and More
 - Memorandum Of Focus Practise Paper Three Grade 1 Compatibility with Devices
 - Memorandum Of Focus Practise Paper Three Grade 1 Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Memorandum Of Focus Practise Paper Three Grade 1
 - Highlighting and Note-Taking Memorandum Of Focus Practise Paper Three Grade 1
 - Interactive Elements Memorandum Of Focus Practise Paper Three Grade 1
 8. Staying Engaged with Memorandum Of Focus Practise Paper Three Grade 1
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Memorandum Of Focus Practise Paper Three Grade 1
 9. Balancing eBooks and Physical Books Memorandum Of Focus Practise Paper Three Grade 1
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Memorandum Of Focus Practise Paper Three Grade 1
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Memorandum Of Focus Practise Paper Three Grade 1
 - Setting Reading Goals Memorandum Of Focus Practise Paper Three Grade 1
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Memorandum Of Focus Practise Paper Three Grade 1
 - Fact-Checking eBook Content of Memorandum Of Focus Practise Paper Three Grade 1
 - Distinguishing Credible Sources
 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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