

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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