VCE Legal Studies 2018–2023

Appendix 14 – Case Studies

Unit 2 Area of Study 2

Case Studies

* Each scenario below requires a group of 3 students.
* One student will be the facilitator (mediator, conciliator or arbitrator) and the other 2 will be either party to the case.
* Students are to read through their scenario and decide how they will act it out to the rest of the class and come to a settlement.

For example

Scenario One

Jimima lives in a new suburb and all the dwellings have been built very close to each other. Her bedroom is near and an air conditioning condenser which makes a lot of noise when switched on. Jennifer cannot sleep at night and the neighbour Jenny refuses to do anything about the air conditioner. Jennifer is considering taking legal action via the court system and her solicitor has recommended having her complaint heard at through mediation.

Facilitator / Mediator

* As a mediator, you have to be an impartial third person who assists and guides the two parties to identify the issues in dispute and facilitates discussion of possible solutions.
* You cannot involve yourself in the dispute and you have to guide the two parties to make the final decision.
* Make sure you control the two parties and set the boundaries.
* Where possible encourage the two parties to come up with a solution.

Party 1 – Jennifer

* Explain your side of the story.
* Your bedroom is next to the air conditioning compressor that makes a lot of noise.
* This affects your sleep at night.
* You are considering taking legal action via the court system but you would rather resolve the matter by having the neighbour fix the issue. Try and push this matter.
* Towards the end of the dispute you could offer to build a bigger fence next to the neighbour if the owner promises to replace the air conditioner with a more silent one.

Party 2 – Jenny

* Explain your side of the story.
* As the neighbor you understand that this compressor makes noise but it only works during summer.
* The neighbours house was there before the house was built so Jimima should understand that some noise is inevitable.
* You don’t want to go to court but you need some time to find the money to replace the air conditioner. See if you can convince the neighbor for some time.

Other examples or Scenario

Scenario Two

The fence dividing the property of next door neighbours Jimima and Jenny fell down. A new fence needs to be erected, but Jenny refuses to pay for half of the cost of the fence. Jimima is angry about this and does not feel he should pay for all of the fence because the fence also would benefit Jenny. Jimima has lodged an application to have this heard at VCAT through conciliation.

Scenario Three

Jimima applied for a job as a nightclub promoter. She was refused the job because she is married and pregnant. The nightclub owner did not employ her because he thinks she would not attract single people to the club. Jimima believed this to be discrimination and has applied to VCAT to have this settled by an arbitrator.

Scenario four

Jimima is looking forward to her Year 12 formal. She books an appointment on the day of her formal for a spray tan. After she leaves the salon she notices that the spray tan is blotchy and turns reddish purple. She is distressed with the colour and calls the salon for a solution. The salon owner (Jenny) takes no responsibility and blames Jimima’s body lotion products. Jimima does not attend her Year 12 formal as she was too embarrassed with her colour. She takes the store to VCAT for a resolution.