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Samantha Hardy
University of Tasmania

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TEACHING NOTE

Role Playing in Consumer Protection Law: The Market Day Project

*Samantha Hardy**

Introduction

The Market Day Project is a series of activities aimed at giving students a number of different perspectives on legal disputes involving consumers, and at engaging them in the complexities of a life-like situation. In the early activities the students play the roles of consumers and retailers and, in effect, create their own disputes. In later activities, the students act as the lawyers for the consumers and retailers, isolating the legally relevant facts from the earlier role-plays, negotiating with the other disputants, and providing legal advice.

The project involves a broad range of activities and focuses on developing a number of different skills. The students work in groups, which requires communication and planning skills. Some activities involve creativity, such as preparing a product advertisement. Others encourage dramatic skills, such as role-playing the pressured salesperson during the purchase transaction. Later activities develop factual analysis, negotiation and written communication skills. Each activity builds on the previous activities, keeping students engaged with the development of the dispute throughout the project.

Although developing the project took substantial work and time, the actual running of the activities is surprisingly easy. Student feedback has been overwhelmingly positive, and it appears that the project has improved learning outcomes in the subject and in particular has increased students' application skills.

Background

Consumer Protection Law is a one-semester elective subject, usually studied by students in their 3rd to 5th year of law.

* Lecturer in Law, University of Tasmania.

Enrolments are usually between 30 and 80 each year. Topics covered include agency, sale of goods, consumer protection and product liability law. Consumer Protection Law is allocated five hours of contact teaching time each fortnight. That time is divided into a two-hour lecture each week and a one-hour seminar every second week. I am both the coordinator and the sole staff member responsible for teaching and marking in the unit.

The learning outcomes of the unit explain that students, on completing the unit, should be able to:

- 1 Describe and explain commercial and consumer transactions as they occur in the real world of business and in an increasingly global marketplace.
- 2 Understand the objectives, requirements and processes of the State and federal legislative schemes for the protection of consumers in Australia.
- 3 Apply the relevant legal principles to factual scenarios and provide relevant and practical legal advice to consumers, retailers, wholesalers, manufacturers, and the ACCC.
- 4 Recognise the limitations of consumer protection laws with respect to the realities of commercial and consumer transactions.
- 5 Assess and evaluate existing consumer protection law and policy and argue whether or not it responds to practical commercial and consumer needs.
- 6 Demonstrate skills in statutory interpretation, legal research, written and oral communication.

With respect to generic graduate attributes, students should be able to:

- a) apply their knowledge of consumer protection law to a wide range of familiar and unexpected real life problems;
- b) keep up to date with changes in the law through appropriate research strategies;
- c) learn both independently and cooperatively;
- d) demonstrate skills of oral and written communication suitable to particular audiences;
- e) organise large amounts of information according to relevance and formulate a range of solutions to problems;
- f) demonstrate an awareness of the local and global context of consumer protection law;
- g) acknowledge the social and ethical implications of their actions.

Until 2002 the subject was assessed by one problem-based assignment and an end-of-semester examination. However, marking students' answers to problem-based assignments, I was struck by the fact that many students tended to reproduce the law in an abstract and decontextualised way. They appeared to have significant difficulty in applying the law to the facts and providing meaningful and practical advice. I began to consider ways to develop the students' application skills.

In 2002 I decided to replace the standard assignment with a series of activities in seminars that I called the "Market Day Project" (explained in detail below). Assessment in the unit now consists of an end-of-semester open book examination (50%); submission of answers to three past examination problems (15%); and the Market Day Project Activities (35%).

The Market Day Project

The broad aim of the Market Day Project was to create a contextualised simulation, requiring the students to look at the events typically involved in consumer disputes from different perspectives. The students were involved in a simulated marketplace, in which they engaged in consumer and retailer activity, and had to identify and deal with legal problems that arose in the course of that process. The project attempted to develop students' functioning knowledge of consumer protection law. Biggs explains that functioning knowledge requires a foundation of sound content (declarative) knowledge, but also involves knowing how to do things, such as carrying out procedures or enacting skills (procedural knowledge) and knowing when to do these things and why (conditional knowledge).¹ Accordingly, this project aimed to develop students' knowledge of the content of consumer protection law (from legislation, cases and commentary) but also how and why to use that knowledge to do things, such as identifying legally relevant facts and providing a client with practical legal advice.

The exercise departed from the traditional assignment model in that it required the students to consider a consumer protection problem from the beginning of the transaction giving rise to the legal issues, rather than dealing with the issues in hindsight, well after the transaction had taken place. Half the students role-played consumers wanting to purchase

1 J Biggs, *Teaching for Quality Learning at University* (Buckingham: SRHE and Open University Press, 1999) 40.

a product. In doing so they needed to consider what the consumer might want in a product, and what they would be likely to find appealing in advertisements for the product. They also had to think about the types of questions that a consumer might ask of a sales person during the actual purchase of the product. The other half of the students role-played retailers selling the products that the consumers wished to purchase. These students were required to develop an advertisement that they thought would be appealing to consumers. They also had to engage in "sales talk" during the actual purchase, and consider the consequences of any statements they made during this transaction.

In later activities the students were required to role-play the consumers' and retailers' lawyers. In these roles they were required to isolate from the previous activities the legally relevant facts, research the areas of law involved, and provide advice to the consumer or retailer involved. These different activities required students to "think like a lawyer", but only after they had experienced the role of the client. This provided students with an important perspective on consumer-based disputes, as well as legal practice in general.

Group Work

The Market Day Project includes a large amount of group work. Students were required to form groups of three and to remain in the same group for the duration of the project. I debated whether or not to allocate students to groups or to let them form their own groups. However, given the fact that the Market Day Project was quite a new experience for most of the students, I decided to try to make them as comfortable as possible with the project by letting them select their own groups. Each semester there are quite a number of students who do not know others in the class very well (especially when I have a broad range of third, fourth and fifth year students) and I have had to arrange them into groups. However, so far I have not noticed any particular problems with letting the majority of the students select their own groups. Perhaps the relatively smooth running of the groups was assisted by the fact that we spent the first seminar specifically addressing potential problems with group work (see below).

The use of groups was both a logistical and an educational decision. The use of groups was "designed to mimic the approaches to problem-solving found in the workplace and students [were] expected to learn approaches to resolving

conflict, planning and managing time”.² The group work also includes a number of different types of activities, including creative, written and oral work, allowing different members of the groups an opportunity to display their strengths in a variety of contexts.

However, there are also notorious difficulties with group work. Individual motivation and personal schedules may clash with group objectives; not all students may believe they benefit from group work; and there are issues of equity of contribution and student competitiveness for grades.³ The group-forming seminar (see below) attempted to minimise these issues by addressing them explicitly and requiring the students to anticipate problems and discuss methods for dealing with them in advance.

Group work assessment was also carefully planned in order to “ensure fair individual assessment but also to spell out the expectations for the nature of group interactions”.⁴ The use of lecturer and peer assessment aims to ensure fair individual marks but also encourage cooperative group work.

Students were assessed in two ways. Each group received an overall mark for its project work. This mark was awarded based on specified criteria for each part of the project. This mark was out of 20. The assessment criteria for each Market Day Project activity focuses on the students’ achievements against the learning objectives and outcomes, with particular emphasis on the development and application of graduate attributes. The criteria for performance are spelled out clearly in the unit outline for each assessable task, and students are awarded a grade based on their performance against these criteria. For example, the criteria for the assessment of the Letters of Complaint and Response in the Market Day Project include particular performance standards for an excellent letter, a very good letter, a good letter, a passable letter and a poor letter. This is a clear example of “criterion-referenced assessment” in which “students are allocated to or awarded a grade based on their achievement of or performance against criteria which define the various grades or levels”.⁵

Each student also received an individual mark out of 15, which represented that student’s contribution to the group

2 R James and C McInnis, *Strategically Re-Positioning Student Assessment: A Discussion Paper on the Assessment of Student Learning in Universities* (Melbourne: Centre for the Study of Higher Education, August 2001) 10.

3 Id.

4 Id.

5 J Lublin, *Guide to Peer Review of Teaching* (Hobart: Flexible Education Unit, University of Tasmania, 2002) 3.

work. This mark was awarded by the other members of that person's group and was confidential. Each member of the group had to hand me a sheet on which they had marked themselves and the other students in their group for each activity in the Market Day Project. I then awarded each student the average of the marks awarded.

I did, however, reserve the right to award an individual mark different to the average if I believed the other members' marking was inappropriate (for example, where group members agreed to award each other full marks for each activity regardless of the respective levels of contribution). I was able to keep an eye on the level of contribution made by individual students during the activities carried out during the seminar times. However, if the class size was much larger, this would be difficult. I was unable to monitor contribution to the work performed outside of class time, but relied upon group members to inform me of any difficulties. Where necessary I met with students individually and as a group to discuss any concerns. In general, very few issues arose and the students appeared to mark each other fairly.

Each student's result was thus the group mark out of 20, plus that individual student's average mark out of 15, giving a total out of 35 overall.

Activities

Most of the activities were conducted during the seminars; however students were also required to do some work outside of seminar classes. The project activities included both oral and written work, and the work differed according to whether they were in a Retailer or a Consumer group.

Seminar 1 – Setting up the groups

In the first seminar the students formed their groups and were allocated retailer or consumer status. The students were given readings in relation to working in groups, and each group had to fill in a questionnaire aimed at identifying potential problems in the group and developing strategies for dealing with them.

In this seminar students were also given an introduction to the Market Day Project and provided with their consumer/retailer profiles. Each group with retailer status was instructed that they were responsible for marketing and selling an espresso coffee machine. Their first task was to prepare an A4-sized advertisement for their product. Each retailer group was

given a statement from their marketing department about what kind of tactics they were allowed to use in their advertisement. Each retailer group was given different information. For example, one group was instructed to advertise a 50% off sale, another group a closing down sale.

Each group with Consumer status was given a profile of their consumer and shopping instructions. Each consumer group was given different instructions. For example, one consumer was given the following information:

You run the general store in Hicksville, a small country town a few hours drive from the nearest city. A new city-slicker recently moved to the town and asked you if you sold coffee machines because he wanted to buy one. You said that you'd have one in stock next week, and you need to buy one during your next trip to the city. You will then resell it to the customer, at a price to cover your expenses and make a modest profit. You only need to buy one coffee machine because it's unlikely that you'll ever sell more than one in Hicksville.

Another was instructed:

Your fiancé's parents are coming over for a dinner party next week and you really want to make a good impression. You know they like coffee, so you have decided to buy a coffee machine so that you can serve them really good coffee and petit fours after dinner. You're not a big coffee drinker yourself, and you have no idea how to use a coffee machine, so you are looking for something that's foolproof to use.

Retailer groups had one week to prepare their advertisement and were instructed to be creative and add as much detail as they wished, so long as they complied with their marketing department's instructions. The advertisements were posted on the Commercial Law notice board as well as scanned and posted on the WebCT site. Consumer groups then had a week to review them and decide which retailer seemed most appealing to them. Consumer groups were required to hand in a brief note reviewing each advertisement from the perspective of their particular consumer. An example of one of the notes read:

We are four cash-strapped uni students who need a large capacity, durable, reasonably cheap coffee machine that will last us until the end of the year. The lower the quality of the machine, the more important a warranty is ...
Retailer 7's advertisement mentions a healthy discount and

a manufacturer's warranty although we have no idea about the specific terms or whether they offer any after sales service.

In this process, students in the retailer groups identified an important perspective on consumer protection disputes relating to advertisements. Concerned about the lack of instructions as to what information the advertisement should contain, one student asked "What if we put something in the ad that comes back to bite us?" and then realised that that was the point of the exercise. Consumer groups were also required to consider the transaction from the point in time when the consumer first reads an advertisement for a product.

A week before market day, each retailer group was given instructions informing them that the basis on which they had conducted their advertising campaign was, in fact, incorrect. For example:

In fact your advertisement wasn't strictly true. Some items are marked down by 50% but the coffee machine is only really marked down by 20%.

Retailer groups were also given further generic instructions relating to their sales conduct on the day, which read:

You are under considerable pressure from your boss. He has been threatening to sack you unless your sales performance improves. Things came to a head this morning in a heated argument, during which your boss yelled: "You couldn't sell if your life depended on it. If you don't sell this coffee machine by the end of the day, I rest my case and you're fired!" Accordingly, you are determined to sell the coffee machine, and you will go to almost any lengths to do so. You may even be prepared to engage in some "dodgy" sales talk in order to sell the machine and thus keep your job.

These instructions encouraged the students to think beyond the legal issues to other factors that might be affecting the dispute, for example, that the salesperson was at risk of being sacked, a possible cover up from management, and the issue that their client's concerns may not really be legal or compensable.

Seminar 2 – Market Day

Market Day occurred during the normal seminar time. Retailer groups set up their "shop" in the seminar room and identified themselves by displaying their advertisement. Retailers were given their coffee machine to sell (consisting of a picture of

a coffee machine with sealed information for the successful consumer attached). Consumers were asked to remain outside the room until the retailers were ready to open for business.

Consumers were told that they had to purchase a coffee machine during the seminar hour. They were at liberty to shop around between the retailers, or they could go directly to the retailer of their choice and immediately complete the sale. How much they told the sales assistant about their reasons for buying the machine was up to each consumer.

Each group nominated one or two spokespeople to conduct the transaction. Other group members were required to closely watch the process and make notes about any important representations made during the negotiations.

In the first seminar group the dynamics were quite entertaining. One of the retailers had produced a very enticing advertisement, with a very low price for the coffee machine. A few consumers lined up to speak with this retailer, leaving one retailer without any potential customers. This led the latter to make more and more outrageous statements in order to encourage customers to come and shop with them.

Some of the comments made by retailer group members to consumer group members included:

- If you bought from someone else you'd have to pay \$500 ... ours is \$299, you wouldn't find cheaper.
- If you're not 100% happy with it, we'll replace it.
- It's actually up to 50% off. This machine's only 20% off.
- This has a lifetime guarantee.
- It would cover you if anything went wrong with it ... unless it's your own negligence or anything.
- We believe in flexibility in sales. Satisfying the customer. Of course we'll refund.
- We undercut all others.
- You are not just buying a coffee machine, it's a whole lifestyle.
- These machines never break down, they keep on keeping on.

There was also competition between consumers. In the end, some consumers missed their first choice of retailer because they shopped around for too long or could not make a decision to complete the purchase earlier. These consumers had to buy the machine from another retailer (as each retailer only had one to sell).

Once every consumer had purchased (and every retailer had sold) a coffee machine, the consumers were allowed to open the sealed information attached to the picture of the coffee machine. They were also given further information specific to their group. For example, one consumer group received the following post-purchase information:

After a week of using the machine the motor blows up. Not only do you not have a working coffee machine, but you are losing a lot of money from coffee sales, because people don't want to buy instant coffee. Unless you get the coffee machine fixed or replaced in a hurry, you may risk losing your entire business. You have since discovered that this retailer was selling this exact coffee machine two weeks before you bought it for a price only 20% more than the price you paid for it on sale, although they represented to you that the price was 50% off normal sale price.

Consumer groups were then required to prepare a letter of complaint addressed to the retailer from whom they purchased their machine. They were to refer to the matters specified in their post-purchase information as well as any other matters that arose in the course of their negotiations with the retailer on market day.

The retailer groups were given their consumer's letter of complaint and required to draft a reply. They were informed that they needed to oppose the complaint and try to scare the consumer from taking the claim further, given that they were already in trouble with their boss.

Seminar 3 – Statement of Facts

In this seminar, each group had a copy of both the consumer's and retailer's letter and was required to sit down and try to work out a statement of relevant facts from which they could later identify the legal issues. They could obtain these facts from the advertisements, the letters themselves and from their recollection of what occurred during Market Day. Students were instructed to prepare a statement of facts as if they were to present the document to a barrister who was going to prepare an advice. They were also told to consider how they were going to prove the essential facts, and what further information they needed. Students also had to consider facts and evidence relevant to what the opposing group was likely to argue.

Once the students had some idea about their own version of the facts, they were invited to meet with their opposing group

to see whether they could agree on any facts in order to save time and effort in proving them. Groups were instructed that they could choose to be open or defensive in their dealings with the other groups, and could agree on nothing or as much as possible. Students were also advised to consider the practical consequences of different causes of action (for example, costs orders, tactical issues, etc).

This proved to be a fairly difficult task for the students, and confirmed my suspicions that they were too used to being given a sanitised and complete set of facts in examination and assignment questions. Not surprisingly, there ended up being quite a difference of opinion between retailer and consumer groups about what was actually said on Market Day. This reinforced that the “true facts” are not always easily identifiable, and are frequently disputed. It also caused a number of students to bemoan their failure to pay enough attention, or to take notes, during the Market Day transaction – again a valuable lesson.

Each group was required to present its statement of facts at the next seminar, along with an indication of which facts had been agreed with the opposing party. Given some students’ lack of note-taking during their discussions with the opposing group, I wondered how many opposing groups were going to indicate that they had agreed to different facts. This is exactly what occurred, and gave the students another important lesson about ensuring that they were clear about what was agreed to in a meeting with another party.

Seminar 4 – Identifying the Issues and Planning Research

In this seminar the groups identified the legal issues revealed in their statement of facts and planned their legal research. Students were very comfortable with this exercise as this is generally the starting point for traditional assignments.

While looking at the requirements of the relevant legislation, many groups realised that they needed more facts on which to base their claim or defence. Students also realised that some of the things that they had taken for granted (for example, that the opposing party was a corporation) was something that they could not assume and would have to either prove, or ask the other side to concede. This experience brought home to many students the need to address commercial problems in a logical order, and to clarify any assumptions they make before attempting to advise their client. This exercise also neatly demonstrated the circularity of the relationship between facts and law, and the need to constantly review the information to hand.

Seminar 5 – Preparing Letter of Advice

In this seminar students were given a short talk about how to prepare a letter of advice to a client.

The groups were required to start putting their research into a letter of advice to their retailer or consumer client. One of the problems identified during this activity was that students found it difficult to advise a client in simple terms. Most students were still focused on demonstrating all that they knew about the particular area of law, rather than advising the client about how the law was relevant to him or her. In future years, I intend to conduct a separate class on advice writing in order to deal with this problem, with information relating to writing style, use of appropriate language, how to give clients bad news, and the importance of practical advice.

Seminar 6 – Presentations of Reflective Analysis

In the reflective analysis, students were asked to give a presentation in which they discussed the following things:

- How the members of their group dealt with working in a group, what worked well, what went wrong.
- What the group was concerned about when they were preparing or reviewing the advertisements.
- What happened to the group during its participation in Market Day.
- How the group dealt with the activities that followed (writing the letter, identifying the facts and legal issues, planning research, writing the letter of advice).
- How the group fared in the negotiation.

The groups' analyses varied greatly in terms of the level of preparation and creativity in presentation. One consumer group prepared a short video in a "Current Affair" exposé style about the retailer's alleged misconduct. Another prepared a television commercial for a product and then demonstrated how both a consumer and a retailer could protect themselves from any consumer protection issues.

Some of the most interesting observations by the students were:

- That people frequently saw the same transaction differently.
- How important it was to keep a record of what was said during transactions and negotiations.
- How the "buyer beware" principle frequently did not work in practice.

- The danger of making unsubstantiated assumptions.
- The need to ensure that the language of advertisements and sales talk is accurate and complete.
- How important it is for retailers to know about the product they are selling.
- The need to reinforce to consumers information that might at first appear to be obvious from the retailer's perspective.
- The frequency of evidential problems in consumer transactions.

Connection with Lectures

Lectures and the Market Day Project activities are complementary, both providing information and the opportunity to achieve learning outcomes in a variety of ways. In general, lectures provide a structured, systematic and methodical approach to the content of the course. They build up the detail of the legal principles in a step-by-step, topic-based approach. However, legal problems in practice rarely fit wholly within a single legal topic, and the Market Day Project activities are aimed at providing students with a less structured overview of Consumer Protection Law in practice, involving problems in which many different areas of content may overlap.

Generally, the students were exposed to tasks in the Market Day Project just before the lecture dealing with the declarative knowledge necessary to deal with that task appropriately. For example, students were required to prepare a product advertisement prior to the lectures about consumer protection issues in advertising. They were also required to negotiate the sale and purchase of a product prior to lectures dealing with sale of goods law. However, students were not required to submit their legal advice relating to the problems that arose from these activities until some weeks after the relevant lectures. This resulted in a number of beneficial learning outcomes. First, students were frequently inspired to read ahead as they were interested in finding the knowledge needed to solve the problem before attending the lecture. Secondly, during the lectures, students often recognised the relationship between the content of the class and the problem they had just experienced in the Market Day activities. This recognition meant that the students were more interested in the content of the lecture as they were motivated to find a solution to their own problem.

Student Evaluations

Formal student evaluations of teaching and learning are administered towards the end of the semester. They are voluntary and anonymous. These evaluations contain the university's standard questions, as well as course-specific questions designed by the coordinator. Students are also encouraged to add comments about any aspect of the course, and many take the opportunity to do so.

Some of the main points revealed from student evaluations in 2003 were:

- The coordinator's view that the unit fulfilled the objectives stated in the outline was supported by the fact that over 85% of students surveyed agreed with a statement to that effect.⁶
- 87% of students surveyed believed they gained a good understanding of the subject.
- Importantly, given the unit's focus on problem solving, almost 100% of the students surveyed agreed that they had developed the ability to solve problems in the field.
- Nearly 75% of students surveyed agreed that they had developed skills needed by professionals in the field.
- Over 86% of students surveyed found the market day activities to be a valuable learning experience.
- 78% of students surveyed found the unit stimulated their interest in the subject.
- About 70% of students surveyed enjoyed the group work.

Generally speaking, student satisfaction with the project was high. Comments included:

- "I think the process of getting to advise a client is the best learning exercise I have engaged in at law school."
- "The group assessment activities were an interesting and valuable learning exercise, as they allowed a more practical understanding of the law."

Learning Outcomes

The Market Day Project required the students to engage in learning activities that were likely to result in their achieving the unit's learning outcomes.⁷ The project required a solid

6 I note that, of the 40 students enrolled in the unit, 23 completed the unit evaluation.

7 T J Shuell, "Cognitive Conceptions of Learning" (1986) 56 *Review of Educational Research* 411.

content-based knowledge of the relevant consumer protection law, but also procedural knowledge (how to appropriately use the law) and conditional knowledge (when and why to use it). The project engaged the students in a process in which the declarative and procedural aspects were integrated,⁸ and which involved active rather than inactive learning.⁹

One of the most important aspects of the project was its contextual nature. As Blasi has noted, in imparting expertise, “there is no substitute for context”.¹⁰ The students were required to play the roles of clients, witnesses, and lawyers. The activities involved legal and factual analysis, as well as interpersonal and communication skills, such as judgment and imagination. The practical nature of the project also meant that the students’ legal knowledge was placed in a meaningful context.

The Market Day Project also specifically includes a number of aspects aimed at developing social and ethical awareness. The students assigned to Retailer groups are specifically instructed that they are able to engage in “dodgy sales practices” in order to make a sale during Market Day, and accordingly have to make a decision about whether or not to do so. This usually involves a discussion among the group members about the ramifications of their decision. Sometimes these practices occur without much forethought, and the students are then left to deal with the consequences – a learning experience in itself. For example, one group was particularly unethical during the Market Day itself, and then had to face the consequence that the opposing group refused to negotiate with them at all in later activities and took a very hard line in the dispute resolution process. The “unethical” group was then required to spend some time during their Reflective Analysis speaking about what they would have done differently had they realised the consequences of their actions before Market Day.

Course Assessment

The two main pieces of summative assessment in the course are the Market Day Project activities and the Open Book Exam. These are quite different in form and emphasise different skills

8 As recommended by Biggs, *supra* note 1 at 41-42.

9 Biggs, *supra* note 1 at 76-79.

10 G L Blasi, “What Lawyers Know: Lawyering Expertise, Cognitive Science and the Functions of Theory” (1995) 45 *Journal of Legal Education* 313 at 397.

and abilities. However, in combination they give students the opportunity to demonstrate their achievement of the unit's learning outcomes and the university's graduate attributes. The examination provides an important balance to the group work in the Market Day Project, providing a clear indication of each individual's performance in a controlled environment.

Market Day Project activities are also designed in such a way as to minimise opportunities for plagiarism and inappropriate use of materials.¹¹ Each semester the students are given different scenarios for the retailer and consumer groups, and the interactive nature of Market Day itself means that each time the course is run the students develop a whole new set of facts and relationships across groups. In 2004, the Project revolves around the sale of DVD players, rather than coffee machines. This ensures that there is no opportunity for students to simply re-hash former students' materials.

Conclusion

It is quite difficult to validly assess whether or not students' overall learning outcomes have actually improved significantly as a result of the introduction of the Market Day Project. Although my sense is that students' examination answers now demonstrate greater application and less regurgitation of content, this has not necessarily translated into a higher average mark compared with students studying the course before the Market Day Project was introduced. However, in terms of student engagement and alignment of assessment with learning outcomes, I believe that the Market Day Project has been a success. In particular, the project increases the likelihood of learning by requiring the students to engage in tasks which are "novel and varied in interest, offer reasonable challenges, help students develop short-term self-referenced goals, focus on meaningful aspects of learning and support the development and use of effective learning strategies".¹²

11 James and McInnis, *supra* note 2 at 7.

12 P Black and D William, "Assessment and Classroom Learning" (1998) 5 *Assessment in Education* 7 at 31.