

**CONCISE STATEMENT**

**FEDERAL COURT OF AUSTRALIA  
DISTRICT REGISTRY: NEW SOUTH WALES  
DIVISION: GENERAL**

**NO NSD OF 2024**

**CHIEF EXECUTIVE OFFICER OF THE TERTIARY  
EDUCATION QUALITY AND STANDARDS AGENCY**

Applicant

**CHEGG, INC.**

Respondent

**I. Introduction**

1. The Applicant (**TEQSA**) alleges that, in the period 2021 to 2022, the Respondent (**Chegg**) contravened s114A(3) of the *Tertiary Education Quality and Standards Agency Act 2011* (Cth) (**TEQSA Act**) in providing Chegg's online "Expert Q&A" service (described further below).

**II. Important Facts Giving Rise to Claim**

**A. Chegg and Expert Q&A**

2. Chegg is a publicly listed company, headquartered and incorporated in the United States of America. From at least 9 March 2021, Chegg offered online services to students in Australia, called Chegg Study Help, paid for by way of a monthly subscription. The Chegg Study Help services include a service called "Expert Q&A".
3. Expert Q&A enables students to submit questions on the [www.chegg.com/study/qa](http://www.chegg.com/study/qa) website (**Chegg Website**), in a variety of subject matter areas, including biology, engineering, mathematics and science. Expert Q&A publishes solutions to the questions via the Chegg Website. Solutions to the questions are prepared by subject matter experts (**Experts**). The Experts are individual persons, contracted or otherwise engaged by Chegg to prepare the answers that are published.

**B. Use of Expert Q&A for Assessments**

**(1) Water Surface Profiles Assessment**

4. On 29 April 2022, the Faculty of Engineering at Monash University issued an academic assessment entitled "Water Surface Profiles" (**Water Surface Profiles Assessment**), due on 20 May 2022, to students enrolled in "CIV2263 – Water Systems 2022", including Student A.

5. Monash University instructed students enrolled in CIV2263 – Water Systems, that they were not permitted to collude with others on the Water Surface Profiles Assessment or take and use another person’s work on the Water Surface Profiles Assessment. Monash University further instructed students enrolled in CIV2263 – Water Systems, that the Water Surface Profiles Assessment was not to be posted on external websites, including, specifically, the Chegg Website.
6. On or around 1 May 2022, Student A (who held or had access to a subscription to Expert Q&A) uploaded a copy of the Water Surface Profiles Assessment to Expert Q&A on the Chegg Website.
7. On or around 1 or 2 May 2022, Expert A (who was engaged by Chegg to answer student questions on Expert Q&A) prepared a hand-written answer to the Water Surface Profiles Assessment. On or around 2 May 2022, Chegg, or otherwise Expert A, uploaded the answer to the Chegg Website, with that answer reflecting a substantial part or all of the work students enrolled in CIV2263 – Water Systems, including Student A, were required to undertake personally.

### **(2) Programming Assessment**

8. On or about 8 November 2021, the Faculty of Information Technology at Monash University issued an assessment task entitled “Programming Assignment” (**Programming Assessment**), due in relevant part on 14 January 2022, to students enrolled in “FIT1045 – Algorithms and Programming Fundamentals in Python”, including Student B.
9. Monash University instructed students enrolled in FIT1045 – Algorithms and Programming Fundamentals in Python, that the work to complete the Programming Assessment was to be undertaken individually, by the students enrolled in the course. Monash University further instructed students that they were not permitted to post any code to any online forum, and the assessment was to be solved by the students alone.
10. On or about 11 and 12 January 2022, a person whose identity is not presently known to TEQSA (who held or had access to a subscription to Expert Q&A) uploaded a copy of, “Task A” and “Task B” of the Programming Assessment to Expert Q&A on the Chegg Website.
11. On or about 11 and 12 January 2022, Expert B (who was engaged by Chegg to answer student questions on Expert Q&A) prepared a hand-written answer to Task A and Task B of the Programming Assessment with that answer reflecting a substantial part or all of the work students enrolled in FIT1045 – Algorithms and Programming Fundamentals in Python, including Student B, were required to undertake personally.

### **(3) Hydrostatics Assessment**

12. On 9 March 2021, the Faculty of Engineering at Monash University issued an assessment task entitled “Hydrostatics” (**Hydrostatics Assessment**), due on 26 March 2021, to students enrolled in “CIV2263 – Water Systems”, including Student C.
13. Monash University instructed students enrolled in CIV2263 – Water Systems that they were not permitted to collude with others on the Hydrostatics Assessment or take and use another person’s work on the Hydrostatics Assessment. Monash University further instructed students that the Hydrostatics Assessment was not to be posted on external websites, including, specifically, the Chegg Website.

14. On or around 22 March 2021, a person whose identity is not presently known to TEQSA (who held or had access to a subscription to Expert Q&A) uploaded a copy of the Hydrostatics Assessment to Expert Q&A on the Chegg Website.
15. On or about 22 March 2021, Expert C (who was engaged by Chegg to answer student questions on Expert Q&A) prepared a hand-written answer to the Hydrostatics Assessment and uploaded the answer to the Chegg website. That answer reflected a substantial part or all of the work students enrolled in CIV2263 – Water Systems, including Student C, were required to undertake personally.

#### **(4) Quantum Mechanics Assessment**

16. On 26 February 2021, the School of Physics and Astronomy at Monash University issued an assessment task to students enrolled in “PHS2061 – Quantum and Thermal Physics”, due on 22 March 2021, including Student D (**Quantum Mechanics Assessment**).
17. Monash University instructed students enrolled in PHS2061 – Quantum and Thermal Physics that the work to complete the Quantum Mechanics Assessment, was to be undertaken individually by the students enrolled in the course and must be entirely the students’ own work, in their own words, reflecting their own understanding. Monash University instructed students enrolled in PHS2061 – Quantum and Thermal Physics, that they were not permitted to collude with others on the Quantum Mechanics Assessment or take and use another person’s work on the Quantum Mechanics Assessment.
18. On or around 19 March 2021, Student D (who held or had access to a subscription to Expert Q&A) uploaded a copy of Question 2 of the Quantum Mechanics Assessment to Expert Q&A on the Chegg Website.
19. During the period 19 to 22 March 2021, Expert D (who was engaged by Chegg to answer student questions on Expert Q&A) prepared a hand-written answer to Question 2 of the Quantum Mechanics Assessment. On or about 22 March 2021, Chegg, or Expert D, uploaded the answer to the Chegg website, with that answer reflecting a substantial part or all of the work students enrolled in PHS2061 – Quantum and Thermal Physics, including Student D, were required to undertake personally.

#### **(5) Databases Exam**

20. On or about 1 November 2021, the Faculty of Information Technology at Monash University issued an assessment task, being an examination to be completed that day, to students enrolled in “FIT2094 – Databases”, including to Student E (**Databases Assessment**).
21. Monash University instructed students enrolled in FIT2094 – Databases, that the work to complete the Databases Assessment was to be undertaken individually, and students were not permitted to allow anyone else to perform the work for the Databases Assessment for them. Monash University further instructed students enrolled in FIT2094 – Databases that they were not permitted to copy or paste text to or from external sources and must not contact, or attempt to contact, another person in an attempt to gain unfair advantage during the assessment.
22. On 1 November 2021, Student E (who held or had access to a subscription to Expert Q&A) uploaded screenshots of questions contained in the Databases Assessment to Expert Q&A on the Chegg Website.

23. On 1 November 2021, Expert E (who was engaged by Chegg to answer student questions on Expert Q&A) prepared hand-written and typed answers to the questions from the Databases Assessment that had been uploaded by Student E. Chegg, or Expert E, uploaded the answers to the Chegg Website, with that answer reflecting a substantial part or all of the work that students enrolled in FIT2094 – Databases, including Student E, was required to undertake personally.

### III. Relief Sought and Primary Legal Grounds for the Relief Sought

24. TEQSA seeks the relief set out in the accompanying Originating Process.
25. Monash University is a higher education provider within the meaning of s5 of the TEQSA Act. Each of Students A, B, C, D and E at the time of the matters referred to in paragraphs [4]-[23] above, were enrolled in an Australian course of study with Monash University, within the meaning of s114A(3)(a) of the TEQSA Act.
26. In preparing and uploading answers to the assessment tasks as referred to in paragraphs [7], [11], [15], [19] and [23] above, the Experts provided or undertook “work” for students within the meaning of *academic cheating services* in s5 of the TEQSA Act.
27. Each of the Experts, by reason of being contracted by Chegg or otherwise authorised by Chegg to perform work, as referred in paragraphs [7], [11], [15], [19] and [23] above, were:
- 27.1 agents of Chegg, and in performing the work referred to in paragraph [26] above, their conduct is attributable to Chegg; and/or
  - 27.2 persons whose work was provided to students by Chegg; and/or
  - 27.3 persons whom Chegg arranged to perform the work.
28. For the purposes of ss5 and 114A(3) of the TEQSA Act, Chegg in each of the instances set out in Section II, Part B above:
- 28.1 provided work to and/or undertook work for Students A, B, C, D and E; and/or
  - 28.2 offered to provide work to and/or undertake work for Students A, B, C, D and E; and/or
  - 28.3 arranged for the Experts to provide work to and/or undertake work for Students A, B, C, D and E.
29. By reason of the facts set out in Section II, Part B above, and the matters set out in paragraphs [25] to [28] above:
- 29.1 the work provided or undertaken for Students A, B, C, D and E constituted, or formed all or a substantial part of the assessment tasks; and
  - 29.2 the work provided or undertaken was work that Students A, B, C, D, and E were required to personally undertake, or, could be reasonably regarded as work that Students A, B, C, D, and E were required to personally undertake;

and therefore in each of the instances set out in Section II Part B above, Chegg provided, offered to provide or arranged a third party to provide *academic cheating services*, in contravention of s114A(3) of the TEQSA Act.

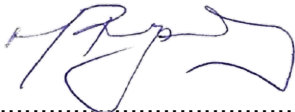
#### IV. Harm Suffered by the Contraventions and other matters relevant to penalty

30. Monash University has suffered harm in the form of additional resources it has had to expend on the monitoring, detecting and handling the instances set out in Section II, Part B above, including academic staff costs, professional staff costs, system administration costs, professional development costs and overhead and incidental costs.
31. TEQSA relies on the following additional matters for the purposes of penalty and, to the extent the Court considers it is necessary, for the purposes of liability:
- 31.1 It was obvious from the face of each question uploaded to Expert Q&A that the question was an assignment, and Chegg, and each Expert, either knew or should have known that it may be work that a student was required to personally undertake.
- 31.2 Each of Students A, B, C, D and E viewed and/or downloaded the answer uploaded by the relevant Expert onto Expert Q&A, and submitted a response to their assessment which reflected a substantial part or all of the relevant Expert's answer.
32. TEQSA does not contend that there is any issue in the proceedings that is suitable for a report by a referee pursuant to s 54A of the *Federal Court of Australia Act 1976* (Cth).

#### CERTIFICATE OF LAWYER

I Matthew Garey certify to the Court that, in relation to the concise statement filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 8 October 2024



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Matthew Garey  
AGS lawyer  
for and on behalf of the Australian Government Solicitor  
Solicitor for the Applicant

This concise statement was prepared by J Emmett SC, P Abdiel and J Ibrahim