

**IN THE MATTER OF A NOTICE OF MAJOR OFFENSE OF ALLEGED CORRUPTION
OFFENSES UNDER THE TENNIS ANTI-CORRUPTION PROGRAM**

BETWEEN

THE INTERNATIONAL TENNIS INTEGRITY AGENCY

AND

CHUKANG WANG

DECISION OF ANTI-CORRUPTION HEARING OFFICER

- 1 Chukang Wang and [REDACTED] both professional tennis players, were scheduled to play on [REDACTED] May 2022 in the [REDACTED] round of a tournament in [REDACTED] Tunisia.
- 2 The day before the match, [REDACTED] received four WhatsApp messages, which on their face, appear to have been sent to him by Mr Wang. Although somewhat cryptic to the untrained eye, it is accepted that two of the messages (**‘the WhatsApp messages’**) invited [REDACTED] to consider ‘throwing’ his match against Mr Wang.
- 3 After a considerable delay, Mr Wang was interviewed on 1 November 2023 by an International Tennis Integrity Agency (‘ITIA’) investigator, Ms Karen Risby, and subsequently charged on 18 October 2024 with four corruption offenses under Section F.4 of the Tennis Anti-Corruption Program (‘TACP’). Mr Wang in his written response to the charges denied that he had sent the WhatsApp messages.
- 4 The hearing of the charge before me took place by video link on 9 January 2025. The ITIA was represented by Ms Julia Lowis. Mr Wang represented himself. [REDACTED] [REDACTED] did not give evidence, but two statements made by him were tendered by the ITIA.
- 5 Subsequent to the hearing, I received additional material from both Mr Wang and

the ITIA. Most, if not all, related to submissions made by Mr Wang during the hearing and not foreshadowed in his written response. I have considered all that material.

6 As I will explain in a moment, Mr Wang’s contradictory and unsatisfactory evidence in relation to his role in the sending of the WhatsApp messages has left me with no alternative but to conclude that he is an unreliable witness. On the other hand, the contemporaneous evidence (of [REDACTED] the International Tennis Federation (‘ITF’) tournament supervisor [REDACTED] [REDACTED] and the details of the WhatsApp messages) satisfies me that the messages were sent by Mr Wang.

7 Accordingly, on the preponderance of the evidence, I have concluded that Mr Wang sent the WhatsApp messages to [REDACTED] with the intention of sounding him out as to whether he would participate in an agreement to fix the result of their match. In doing so, he breached the provisions of the TACP.

8 My reasons now follow.

The charges and accompanying summary

9 The table below (which formed part of an email to Mr Wang on 18 October 2004 from the Senior Director, Legal of the ITIA) sets out both the charges against him and their particulars.

Offense	TACP Section	Summary
1	<i>D.1.n. (attempt)</i> <i>‘No Covered Person shall, directly or indirectly, attempt, agree, or conspire to commit any Corruption Offense.’</i> <i>And</i> <i>D.1.d. (contriving)</i> <i>‘No Covered Person shall, directly or indirectly, contrive the outcome, or</i>	On [REDACTED] May 2022, while competing at the [REDACTED] Tournament in [REDACTED] Tunisia, you sent professional tennis player, [REDACTED] [REDACTED] who you were due to play in the [REDACTED] round ([REDACTED] May 2022), a series of WhatsApp messages requesting that [REDACTED] lose the [REDACTED] round match against you (i.e., to not use

	<p>any other aspect, of any Event.’</p> <p><i>And/Or</i></p> <p><i>D.1.e. (facilitating lack of best efforts)</i></p> <p>‘No Covered Person shall, directly or indirectly, facilitate any Player to not use his or her best efforts in any Event.’</p> <p><i>And/Or</i></p> <p><i>D.1.o. (soliciting)</i></p> <p>‘No Covered Person shall, directly or indirectly, solicit, facilitate or incite any other person to commit, attempt, agree or conspire to commit any Corruption Offense.’</p>	<p>best efforts in that match):</p> <p><i>CW: ‘I want asking you some thing about ██████████ match. That our ██████████ round play ██████████ and he says if I win he will give up, if not he will play, then just for ask you, if we can talk about it or not’...</i></p> <p>██████████ contacted the ITIA on ██████████ May 2022 to report your WhatsApp messages.</p> <p>You were interviewed on 1 November 2023 by an ITIA investigator, and you admitted you sent the WhatsApp messages.</p> <p>The ITIA has obtained a witness statement from ██████████ who confirmed:</p> <p><i>...‘I immediately interpreted this [WhatsApp] message as him [Wang] attempting to ask me to deliberately lose our match due to be played on ██████████ ██████████ May 2022...</i></p> <p>The WhatsApp messages between you and ██████████ ██████████ clearly evidence your intention to attempt to contrive the outcome of a professional tennis match and/or attempt to facilitate another player not to use their best efforts and/or to solicit to commit a Corruption Offense, in breach of Section D.1.d and/or D.1.3 and/or D.1.n and/or D.1.o of the TACP 2022.</p>
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Jurisdiction and Procedure

10 Mr Wang is a professional male tennis player and is a covered person under Sections B.27 and B.12 of the TACP. It was not in contest that Mr Wang was bound by the TACP, with the applicable rules being those of the 2022 TACP in

relation to substantive law and the 2024 TACP in relation to procedure.

- 11 At the commencement of the hearing, I confirmed that I had no association with the ITIA, Mr Wang, or [REDACTED]. No issue was taken as to my ability or power to hear the charges as an Anti-Corruption Hearing Officer.

Evidence and written submissions

- 12 In the material filed by ITIA prior to the hearing, it identified the following pieces of evidence which it relied upon:

- (a) Witness statements of [REDACTED]
- (b) Email correspondence between ITIA investigator, Mr Child, and [REDACTED] on 13 January 2025, and an email from [REDACTED] to ITIA investigator, Mr Child of 19 August 2024;
- (c) Email from [REDACTED] to ITIA of [REDACTED] May 2022;
- (d) Screenshot (**‘the screenshot’**) taken by [REDACTED] of the WhatsApp messages from a Tunisian number [REDACTED] (**‘the Tunisian number’**) to [REDACTED] number with dates and times;
- (e) Email dated [REDACTED] May 2022 from [REDACTED] to ITIA with the screenshot of the WhatsApp messages;
- (f) Scorecard for the match between Mr Wang and [REDACTED]
- (g) [REDACTED] Tournament Draws in Tunisia from [REDACTED] May 2022;
- (h) The transcript of the interview between Mr Wang and ITIA investigator, Ms Risby, of 1 November 2023 (**‘the interview’**);
- (i) The transcript of an interview between Mr [REDACTED] a player, and ITIA investigator, Ms Risby, of 23 November 2023.

13 The ITIA served its notice of charge on Mr Wang on 18 October 2024. Mr Wang in emails of 18 and 22 October 2024 responded to the ITIA’s notice. The 18 October email was treated as his response to the charges. He did not adduce any additional evidence or make any further submissions until the hearing.

14 On 29 November 2024, the ITIA served its opening brief and witness statements upon Mr Wang.

15 For reasons that will become apparent during the hearing and shortly afterwards, with my leave, the ITIA produced the following additional pieces of evidence:

- (a) the audio recording of the interview;
- (b) email correspondence from ITIA investigator, Mr Child, and [REDACTED] of 13 January 2025;
- (c) email of [REDACTED] of August 2024 (redacted);
- (d) emails exchanged between ITIA Investigator, Mr Child, and Ms Lewis;
- (e) screenshot of messages sent via WhatsApp between [REDACTED] and Mr Wang on 13 and 14 May 2022;
- (f) a read out of the WhatsApp messages;
- (g) extract from the tournament report for the [REDACTED] tournament.

16 Mr Wang filed two further submissions (11 January 2025 and 14 January 2025) each dealing with his account of how the WhatsApp messages came to be transmitted.

The tournament

17 The [REDACTED] tournament is part of a men’s [REDACTED] world tennis tour. The [REDACTED] tournament (hard – outdoor) was held between [REDACTED] May 2022 and [REDACTED] May 2022. As mentioned earlier, [REDACTED] was the appointed [REDACTED] tournament supervisor.

18 In the [REDACTED] round of the singles main tour ([REDACTED] [REDACTED]) was drawn to play Mr Wang on [REDACTED] May 2022.

19 [REDACTED] a friend of Mr Wang, was drawn to play the winner of the match between [REDACTED] and Mr Wang.

20 On [REDACTED] May 2022, [REDACTED] played Mr Wang in the [REDACTED] round, winning [REDACTED] [REDACTED]

The WhatsApp messages

21 On [REDACTED] May 2022, [REDACTED] asserts that he received a series of WhatsApp messages from “Chukang”. On their face, these were messages from Mr Wang to [REDACTED]. Reproduced below is the screen shot of three of the messages taken by [REDACTED] and forwarded to the tournament supervisor, [REDACTED] on [REDACTED] May 2022:



22 At the hearing, there was discussion about what to make of the screenshot. The times are in Australian Eastern Daylight Savings Time (AEDT). The sending number is the Tunisian number, and the receiving number is that of [REDACTED] Australian number.

23 At 10:24 pm, a further WhatsApp message was sent from the Tunisian number which read:

‘Let me know then.’

24 On [REDACTED] May 2022, [REDACTED] received another WhatsApp message from the Tunisian number which on its face was sent by Mr Wang at 9:35 am and read as follows:

So never mind this. We gonna have good match.

The evidence of [REDACTED]

25 [REDACTED] was a professional tennis player who ceased competitive professional competition in September 2022.

26 As just mentioned, on [REDACTED] May 2022, [REDACTED] notified [REDACTED] of the receipt of the WhatsApp messages.

27 On the same day, [REDACTED] emailed the ITIA attaching the messages that he had received and noting that he had also notified the [REDACTED] supervisor in [REDACTED]

28 On 13 September 2024, [REDACTED] signed a statement relating to the charges against Mr Wang. The relevant parts of that statement read as follows:

6. *During my professional tennis career, I played against Mr Wang on [REDACTED] occasions. ...*

...

9. *Mr Wang was a competitor only; I did not have a friendship with him and had no contact with him before our first match in April 2022. I had never previously seen Mr Wang on tour as such this was the first time I had ever met him. We were not contacts on social media and we never exchanged any telephone numbers or email addresses.*

...

12. On [REDACTED] [REDACTED] May 2022 I was at the [REDACTED] [REDACTED] tournament where I had direct entry into the [REDACTED] Draw, so did not have to play any [REDACTED] matches. I was scheduled to play my first match, the Mens Singles [REDACTED] Round against Mr Wang on [REDACTED] [REDACTED] May starting at [REDACTED], Tunisia time. This was the fourth [REDACTED] tournament I had played in a row.
13. On Monday [REDACTED] May 2022 at 8.49pm Tunisia time, I received a WhatsApp text message to my mobile telephone [REDACTED] from a number I did not recognise, [REDACTED]. The message began, 'Hi [REDACTED] Here is Chukang'.
14. I replied, 'Hello Chukang' a few minutes later at 8.51pm. His next message came at 9.38pm: (laughing emoji) 'I want asking you some thing about Wenday [sic] match. That our [REDACTED] round play [REDACTED] and he says If I win he will give up, if not he will play, then just for ask you, if we can talk about it or not..'
15. I immediately interpreted this message as him attempting to ask me to deliberately lose our match due to be played on [REDACTED] [REDACTED] May 2022, to allow him passage to the [REDACTED] Round [REDACTED] where his opponent [REDACTED] would allow him to win. For that reason, I decided not to reply, but at 9.44pm I received another message: 'can we meet or can we talk little bit, just let me know. (laughing emoji) if you want'. At 10.34pm I received one more, 'let me know then'.
16. On [REDACTED] [REDACTED] May at 09.35am I received another message, 'So never mind this, We gonna have good match.' I did not respond and decided to report this in person to the Tournament Supervisor, [REDACTED] [REDACTED] I also forwarded a screenshot of most of the messages to him, specifically the ones sent between 8.49pm and 9.44pm.
17. I also decided to report this incident directly to the ITIA and sent Ms Risby a screenshot of all the WhatsApp messages I received from Mr Wang. I refer to this as Exhibit AC/1.

29 For reasons that will become apparent in a moment, [REDACTED] made a subsequent statement on 28 November 2024, the relevant parts of which read as follows:

3. *I did not meet or speak with Mr Wang in a coffee shop in Tunisia whilst I was competing at the [REDACTED] Tournament in [REDACTED] in May 2022 (nor did any similar meeting happen at any other time). For any avoidance of doubt, I did not watch a video game, or a tennis match, on Mr Wang’s mobile phone at any point. Furthermore, I did not use Mr Wang’s mobile phone to send WhatsApp messages on 23 and 24 May 2024 (or at any other time) to my own mobile phone.*
4. *I confirm the version of events that Mr Wang has described in his 18 October 2024 correspondence is factually inaccurate, as we did not meet, and the events did not occur.*

The evidence of [REDACTED]

30 [REDACTED] was the ITF tournament supervisor at [REDACTED]

31 On [REDACTED] May 2022, [REDACTED] emailed ITIA as follows (omitting formal parts):

I just had a meeting with [REDACTED] player [REDACTED] who reported to me texts received from Chukang Wang (Chn) yesterday night talking about their [REDACTED] round match scheduled tomorrow [REDACTED]. I have checked my data and I confirm the contact number of Chukang Wang (Chn). Waiting your answer.

[REDACTED] attached a screenshot of the WhatsApp message provided to him by [REDACTED]

32 Because of matters that arose during the hearing, [REDACTED] was contacted on 19 January 2025 by Mr Child, an ITIA investigator. At Mr Child’s request, [REDACTED] clarified the situation of the use of Mr Wang’s phone and his reference in his email to ‘the contact number’.

33 He noted in his email response that when Mr Wang signed in for the tournament, he nominated a Chinese mobile number (+[REDACTED]). However, according to [REDACTED] Mr Wang also used the Tunisian number [REDACTED] ‘to communicate on site’— this was used by [REDACTED] in messages to Mr Wang with his responses — a screenshot is set out below:



Mr Wang's interview

- 34 In April 2023, Mr Wang was notified by the ITIA of the allegations against him and the contents of the screenshot.
- 35 Mr Wang was interviewed, remotely, by ITIA investigator Ms Risby on 1 November 2023. He denied all involvement in any attempted match manipulation.
- 36 When initially asked about the WhatsApp Messages: 'Can you remember sending that message to [REDACTED] Mr Wang answered: 'I do. I do. I do remember. I do remember this'. In the audio this answer is unequivocal.
- 37 Then: 'Okay, so tell me what you meant. Tell me what you were thinking when you wrote that', to which Mr Wang replied: 'Oh no, no, because I will tell you very honestly. Okay, okay, Karen [Ms Risby] because I remember that day because I'm leaving because I'm leaving because my visa. I couldn't... I couldn't stay'.

38 Then Ms Risby asked Mr Wang as to what phone he was using:

MS RISBY: Okay, so let's go back a little bit, let's go back. First of all, what was ... what phone did you use then? Can you remember the phone number that you were using?

MR WANG: My phone number?

MS RISBY: Yes.

MR WANG: I was using. I was using the Tunisia phone.

MS RISBY: All right. Yes, yes.

MR WANG: I know, no, because I will explain you very clear because I went to Tunisia [REDACTED]

MS RISBY: Yes.

MR WANG: I don't have SIM card. I got a SIM card because my Chinese card cannot use ...

MS RISBY: Yes.

MR WANG: ... use anything like I can't ... because my internet was blocked.

MS RISBY: Yes.

MR WANG: So I couldn't ... I couldn't send any message to ... or even try to find the player to practice. So I got a SIM card like ... like usual, like all the players will ... will do that.

MS RISBY: Yes.

MR WANG: Yes, and then I see about the WhatsApp to contact player to practice ... or just only for talking it's ... it's very very easier. So I register with ... with that SIM card for my WhatsApp even ... right now I'm ... I'm ... I was using that. Even right now, yes.

MS RISBY: Okay, so you sent a message to [REDACTED]
So how do you know him? How did you know him?

MR WANG: I know him because we are play some tournament. And I have and ... and I was practice with him before we were playing some like ...

MS RISBY: So you do know him ...

MR WANG: The courts yes.

MS RISBY: Did you know him, had you ever met him before you sent the message?

MR WANG: Before ... I know him, but as a player.

MS RISBY: Okay so how did you get his phone? How did you get his ...

MR WANG: Even ... even right now.

MS RISBY: How did you get his number?

MR WANG: How do I get his number? I was ... I was asking another player that ... and you can give to me.

MS RISBY: Okay.

MR WANG: From another player. Yes.

MS RISBY: Right, so why did you ask for his number in particular? Why ... why did you ask for his number? Why [REDACTED] ...

MR WANG: Particular.

MS RISBY: Yes. Why [REDACTED] Why did you contact him?

MR WANG: Oh because, all right ...

MS RISBY: Okay.

MR WANG: So from the first ... from the first I want to get his number ... the first I want ... I would ... I want would like to know him and try to practice or something like that and then ... and then I was the was my second you are ... you told me that I send ... I send like ... or give up or something like that right.

39 When asked directly about the words of the message, the following exchange occurred:

MS RISBY: So this ... so what ... what are you asking him to do?

MR WANG: No I didn't ask him to do anything. No

40 Then, after being questioned about his relationship with [REDACTED] he described problems with leaving Tunisia with his visa and the need to leave the country quickly with the following exchange:

MS RISBY: So did you have a flight booked?

MR WANG: Because for my, for my visa, for my visa I couldn't stay. I was sending the message to ... [REDACTED]

MS RISBY: Yes.

MR WANG: [REDACTED]

MS RISBY: Yes.

MR WANG: I will send you the message to [REDACTED] [sic] I was, I will, I was asking that ... that about this, that's only about this. These things that I'm going to leave in the ... in the [REDACTED] round.

MS RISBY: Okay, so.

MR WANG: And nothing else.

MS RISBY: ... when you, when you say to [REDACTED] can we meet or can we talk? What did you want to have a talk to him about? What did you want to say to him?

MR WANG: I want to say, I want to say just good luck and just good luck and then and then and fine, as a, as a friend or something if he win or if I win. If I win, I still I'm probably going to go ... 90% are going because I think I couldn't ... couldn't do something with my visa or if he win he good luck and then he try to win the next match.

MS RISBY: [REDACTED] I think we need to be really honest, really honest, I think this ...

MR WANG: Karen.

MS RISBY: I think this this reads that you wanted him to lose because you wanted to leave and you were speaking to [REDACTED] talking to him about losing, deliberately losing. Tell me if I'm wrong.

MR WANG: I agree ... you are totally wrong. Karen, Karen you totally wrong.

MS RISBY: Okay.

41 Then, after questioning him about his level of effort in the match, Ms Risby went back to the contents of WhatsApp messages:

MS RISBY: Okay, so the way [REDACTED] read it, interpreted it and the way I interpret it is the same. It to us when I read this message when I read this message it is very clear. It is saying there is an arrangement an agreement that [REDACTED] will give up that [REDACTED] will not play. This reads to me like there's an invitation to talk about losing a match.

MR WANG: But Karen ... but I told you is we're ... we are ... we are eating the dinner and that's what he ... that's what he told me. And I really don't know if he's going to ... going to ...

MS RISBY: Okay all right this ...

MR WANG: It's like a joke or something.

42 Subsequently, Ms Risby suggested to Mr Wang that he had messaged [REDACTED] with the intention of asking him to lose their match to allow Mr Wang to progress to the [REDACTED] round to play [REDACTED] Mr Wang denied the allegation:

MS RISBY: I think this reads that you wanted to lose cause you wanted to leave. And you were speaking to [REDACTED] to talk to him about losing, deliberately losing. Tell me if I'm wrong.

MR WANG: I agree...you you totally wrong. Karen, Karen, you totally wrong.

43 Then Ms Risby asked the following:

MS RISBY: What do these words mean? "I want asking you something about [REDACTED] match, Okay?"...what were you asking him to do?

MR WANG: No, I didn't ask him to do anything. No.

MR WANG: I want to say, I want to say just good luck and just good luck and then and then and fine, as a as a friend or something.

44 It is worth making the following observations as to what was and was not said in the course of the interview.

45 First, I accept that Mr Wang was at some disadvantage in terms of the language barrier in his conversation with Ms Risby. I have listened to the entire audio recording, and it is clear that on almost every point Mr Wang understood what was being asked and was able to give responsive answers to most, but not all of the questions asked by Ms Risby. I accept, that by reason of English not being his first language, he was unable to express himself as clearly as he might have. I have taken this into account.

46 Second, Mr Wang, at the commencement of the interview said in clear terms that he remembered the WhatsApp message. Throughout the interview, he denied that it constituted an attempt to persuade ██████████ to throw the match.

47 Third, Mr Wang unequivocally said that he used a Tunisian SIM and phone number (not his Chinese number) during the course of the tournament at ██████████. And, importantly, he stated that he used that Sim card as part of his use of WhatsApp in the course of the tournament.

48 Fourth, Mr Wang, at no time, denied sending the messages to ██████████. Rather, he contended that they had been misunderstood and that all he was trying to do was wish ██████████ well — as a friend.

49 Fifth, notwithstanding being asked questions as to how he obtained ██████████ number and as to their relationship Mr Wang did not mention anything about a meeting with ██████████ prior to the match, or personal animosity between himself and ██████████. He referred to prior matches and that the purpose of the message was to wish him a ‘good match’: no mention of a meeting between the two and that ██████████ might have had the opportunity to send messages on Mr Wang’s phone during the dinner.

50 Even allowing for some difficulty associated with the use of English, I have no doubt that if Mr Wang at that time of the interview held the belief that ██████████ was endeavouring to frame him by either sending the WhatsApp messages on his phone or producing a fake screenshot of it, then he would have said so.

Mr Wang's response to ITIA allegations

51 In the Response (dated 18 October 2022), Mr Wang maintained his denial that he was responsible for the sending of the WhatsApp messages:

before the tournament in Tunisia in May 2022, we had a coffee appointment to ease the unfriendly emotions that had previously been on the field. The reason for the situation was that we had face-off a few weeks earlier on the field and our argument was very, very strong, leading both sides to intensify their conflict on the field. I remember a time in the middle when we watched the game video together on my phone before we went to get coffee, After a while the coffee was ready. I didn't turn off my phone and left it for him to continue watching the tennis video. When I got back he gave it back to me and we left after the coffee. I'm pretty sure he was holding my phone and sending a message to his own WhatsApp.

(emphasis added)

52 There are a couple of observations that can be made in relation to Mr Wang's response.

53 This was the first time that he had mentioned any bad blood between himself and [REDACTED]. And this was the first time he mentioned meeting [REDACTED] for a coffee and leaving his phone unattended, so it was available for [REDACTED] to send a message to his own number.

54 This account can only be consistent with the fact that Mr Wang was using the Tunisian number during the tournament.

The hearing

55 As mentioned earlier, Mr Wang represented himself at the hearing. A Mandarin interpreter translated anything said in English in the course of the hearing. Mr Wang gave evidence and made submissions in relation to the charges.

56 The ITIA was represented by Ms Lewis. Its case primarily relied upon the statements of [REDACTED] the evidence of [REDACTED] the contents of the interview, the contents of the WhatsApp messages and the timing of the messages between the Tunisian number and [REDACTED] number

57 [REDACTED] did not give evidence. There was no opportunity for Mr Wang to cross-examine him.

58 The thrust of Mr Wang's evidence was as follows:

- (a) Given the gap in time between the tournament and the interview, he had no memory of the events surrounding the WhatsApp messages and could not respond appropriately to Ms Risby's questions in the course of the interview.
- (b) That he had a major altercation with [REDACTED] at a previous tournament, and 'probably one week or a few days before the match' had dinner with [REDACTED]. The purpose of the dinner was to bury the grudges.
- (c) He was 'fully unaware' that he had sent a message to [REDACTED] and only became aware of it when, in the course of the interview, he checked his phone and noticed that he had a message from [REDACTED].
- (d) The screenshot shared by [REDACTED] is completely false and must have been invented by [REDACTED]. He has no knowledge of its origin.
- (e) When he and [REDACTED] had dinner together, [REDACTED] used Mr Wang's phone to add the messages, deleted them afterwards, and then shared the screenshots of his own phone as part of his revenge.
- (f) When cross-examined, he said that there was no message shown on his mobile phone, no message at all when he went to check it after being asked by Ms Risby.
- (g) When asked in cross-examination, he said that during the course of the interview, when he saw the screenshot, he was caught off guard and said yes, but did not know anything apart from that.

(h) He only answered the questions asked by Ms Risby, and that was why he did not mention his dispute with [REDACTED]

(i) The phone number (the Tunisian number) is not his number, and he guessed that [REDACTED] sent these messages to his own phone:

Sorry could you please go to the top of the screenshot because as you can see here this is not my mobile phone number at all. I do not have this number so I am sure this is fake and photo shopped.

(j) He always uses his personal number and did not use a Tunisian number.

(k) There are two possibilities which explain the WhatsApp messages: one is that [REDACTED] photoshopped or faked this image, and the other is that he used Mr Wang's phone to send these messages to his phone.

(l) When he arrived in Tunisia, Mr Wang obtained a very cheap local phone just for texting and messaging, but found it unable to use, and he still used the same SIM card he had used in China.

59 It is fair to say that Mr Wang's evidence, despite the assistance of a highly skilled interpreter, was difficult, at times, to follow and at times impossible to reconcile with other parts of his evidence. However (and bearing in mind that Mr Wang was representing himself), there seemed to be two fundamental points that he relied upon to support his contention that he did not send the WhatsApp messages. First, that [REDACTED] had appropriated his phone and sent the messages himself to [REDACTED] number and then taken screenshots of it. Second and alternatively, that [REDACTED] had entirely fabricated the messages on the screenshot to incriminate Mr Wang.

Events subsequent to the hearing

60 Because of the assertions made by Mr Wang during the hearing (which had not been mentioned in either the interview or his response to the charges), I gave the ITIA leave to adduce further evidence as to the contents of the WhatsApp

messages and evidence as to the identity of the phone number used by Mr Wang when in [REDACTED]

61 The ITIA produced further correspondence with [REDACTED] (which has been adverted to) including the screenshot provided by [REDACTED] of a message sent to Mr Wang on 13 May 2022 to the Tunisian number [REDACTED]), with Mr Wang's responses — set out at [33] above.

62 Further details (described as a readout) of the WhatsApp messages were tendered. These confirm the source of the messages (the Tunisian number) the details of the screenshot and the timing differentials of each of the messages.

63 Mr Wang, on 11 and 14 January 2025, emailed further submissions concerning the case against him which I will address in due course.

64 Pursuant to my request (and because of statements made by Mr Wang during the course of the hearing), a recording of the interview was tendered.

Mr Wang's further submissions

65 On 11 January 2025, Mr Wang made a further submission, by email, the gist of which was as follows:

- (1) He repeated the allegation that [REDACTED] framed him, and that the ITIA case did not establish that he had sent the message.
- (2) He emphasised the difficulties he encountered in responding to Ms Risby's questions in the course of the interview which was conducted in a second language — this accounted for his answers being inconsistent with his later evidence, vague and incomplete.
- (3) He pointed to [REDACTED] failure to attend the hearing and give evidence to counter the allegations that Mr Wang made.

- (4) He questioned the evidence of [REDACTED] as to Mr Wang's use of a Tunisian phone number and pointed to the delay in [REDACTED] taking action.¹
- (5) Finally, he emphasised the difficulties that he faced as an unrepresented litigant and again noted the difficulties he had in the course of the interview with Ms Risby.

He summarised his case as follows: 'The core point is that all the evidence provided by ITIA cannot prove the text messages were personally edited by me, yet they repeatedly asked me if I edited the messages'.

66 In a further submission of 14 January 2025, he stated that he had now found the Tunisian number in his mobile chat history. He recalled that he asked an unnamed friend to help him contact the chief referee for online check-in:

The screen shots of the referee's phone also reminded me of this incident that happened two years ago. At that time I asked a local Tunisian to help me contact the referee to get my match schedule (because my phone wasn't working). He was very kind and offered to help, so I got to know him, thinking he was a nice person'.

So, my guess is that without my knowledge he used my name to contact the referee and sent messages to [REDACTED] [REDACTED] to manipulate the game and later shifted the blame onto me.

Analysis and conclusion

67 The determination of these charges turns upon resolving the credibility and reliability of the evidence of [REDACTED] and Mr Wang.

68 In relation to both, the position is less than satisfactory. [REDACTED] failure to give oral evidence, and therefore respond to the allegations of Mr Wang, is of concern. Mr Wang has been denied the opportunity of putting to [REDACTED] that [REDACTED] has endeavoured to frame him by fabricating the WhatsApp messages. This I regard as significant. On the other hand, Mr Wang's evidence in relation to the origin of the WhatsApp messages and the motive behind their

¹ This assertion is patently incorrect. [REDACTED] reported the matter immediately to ITIA.

dispatch has shifted more times than the Tunisian sands.

69 By the time the submissions had been finalised after the hearing, Mr Wang had postulated three alternative theories as to how the WhatsApp messages were composed and delivered to [REDACTED]

(a) Initially, in his response, he postulated that [REDACTED] had, in the course of a dinner/coffee appointment at some unidentified place and time, accessed his phone and sent the WhatsApp messages to [REDACTED] phone.

(b) Second, and this was first advanced at the hearing, that [REDACTED] had forged the WhatsApp messages for the purpose of framing Mr Wang because of the bad blood that existed between them.

(c) Third, in his last submission after the conclusion of the hearing he asserted that a Tunisian acquaintance had provided him with the Tunisian number to contact the referee to get his match schedule and that, without his knowledge, using his name to contact the referee, had sent the messages to [REDACTED] to manipulate the game and later shifted the blame onto Mr Wang.

70 Each is fanciful and as I shall explain incompatible with the other evidence adduced at the hearing and after the hearing. Notwithstanding his failure to give oral evidence, I am comfortably satisfied, for the following reasons, that [REDACTED] account should be accepted, and Mr Wang's rejected.

71 First, [REDACTED] evidence contemporaneous to the event and subsequent, has been consistent. He has maintained from, in effect, the time he received the WhatsApp messages, that they were unsolicited and that he had no previous contact with Mr Wang. He notified the tournament supervisor, [REDACTED] and the ITIA within 24 hours of receiving the WhatsApp messages. His interpretation of the contents of the messages was not in issue.

72 Second, the idea that in some way ██████████ had produced these messages (by one means or another) in order to frame Mr Wang smacks of recent invention.

73 In the interview, conducted remotely, Mr Wang, when confronted about the purpose and contents of the message said that he did not ask ██████████ to do anything, and just meant to wish him good luck as a friend.²

74 As I mentioned earlier, Mr Wang at no time during the interview denied sending the message. Rather, he contended that there was a misunderstanding. Despite being directly questioned about his relationship and contact with ██████████ Mr Wang did not suggest that there was bad blood between himself and ██████████ or that ██████████ had ‘set him up’; nor did he mention a meeting prior to the match in which ██████████ may have gained access to his phone.

75 Further, Mr Wang, when asked about these matters at the hearing, stated that he was unable to follow the investigator’s questioning because of his lack of understanding of English. Subsequently, on my request, the audio recording of the interview was obtained. I have listened to it. As I mentioned earlier, I do not accept that Mr Wang was unable to comprehend what he was being questioned about. In particular, I do not accept that Mr Wang was incapable of putting his side of the story when asked on several occasions to explain the WhatsApp messages and his relationship and contact with ██████████

76 Third, in his written response of 19 October 2020 (set out at [51] above), Mr Wang, for the first time, suggested that he and ██████████ were in conflict because of an earlier disagreement. He then suggests that they met up for a coffee and watched a video game together and, during that time, ██████████ surreptitiously, whilst Mr Wang was away from the table, sent the WhatsApp message to his own number.

² See paras [40] to [43] above.

77 This account is denied by ██████████ in his second statement, who maintains that there was no coffee shop meeting and no enmity and, most significantly, that he did not enter into the subterfuge alleged by Mr Wang.

78 ██████████ denial is corroborated by the detail of the WhatsApp messages confirmed in the readout and on the face of the messages between the two phones. The first message transmitted from the Tunisian number at 8:49 pm (AEDT); the next -containing the subject of the offence- at 9:38 pm and 9:44 pm (AEDT); with a further message at 10:34 pm and the final message on the following day (██████ May) at 9:35 am. On the face of it, all the messages were sent from the one number —the Tunisian number. It defies credulity that ██████████ could have accessed Mr Wang’s phone on at least four separate occasions with such significant gaps in time: the first and the second separated by 49 minutes, the second and the third by 6 minutes, another approximately fifty minutes later, and the final message approximately 11 hours later.

79 Moreover, Mr Wang’s evidence as to the date, place of and, duration of this alleged meeting (and ██████████ ability to send the WhatsApp messages) was extraordinarily vague and inconsistent. At best, he could say it happened at some indeterminate time before their match. In his response he identified one instance when Mr Cronokrak could have accessed his phone during a meeting at an unspecified time and place when retrieving a cup of coffee. At the hearing he said it was at a dinner a week or a few days before the match. It was open to Mr Wang to produce corroborative evidence of his meeting such as text, calls or WhatsApp messages between the two players — knowing that ██████████ flatly denied such a meeting. He did not do so.

80 Notwithstanding ██████████ failure to give evidence, I consider Mr Wang’s account bizarre. I cannot reconcile it with the timing of the messages, ██████████ flat denial and, equally as significantly, to my mind, Mr Wang’s failure to mention during the interview either the enmity between the two of them or their ‘reconciliation’ meeting bearing in mind that Mr Wang had been provided with the

details of the WhatsApp messages prior to the interview.

81 Fourth, Mr Wang's evidence at the hearing that he had not used a Tunisian phone number and had used his Chinese number when communicating with others at the tournament was also false. In the interview, he freely admitted to obtaining a Tunisian SIM, registering its number for the tournament and using it for WhatsApp messages. during the tournament. The evidence of [REDACTED] as to his communications with Mr Wang as evidenced by the screenshot showing WhatsApp messages to and from the Tunisian number confirms that this was the number used by him when in Tunisia. I reject the suggestion that he only used his Chinese number during the course of the tournament.

82 Fifth, Mr Wang's next suggestion that [REDACTED] had forged the screenshot and provided it to [REDACTED] is also meritless. The WhatsApp readout confirms the screenshot is genuine. The suggestion that it is a fake is also inconsistent with his account in the interview (just discussed) as to his use of the Tunisian number to make WhatsApp calls and messages whilst at the tournament (confirmed by [REDACTED] messages to Mr Wang and his responses earlier in the tournament). How [REDACTED] could have obtained the Tunisian number to facilitate the forgery is curiously inexplicable. Moreover, the possibility of the screenshot being forged was never mentioned during the interview, at which, and I repeat, Mr Wang did not dispute the authenticity of the message, but rather, its meaning.

83 Finally, there is the suggestion of the unknown and unidentified Tunisian who, as an act of kindness, provided his phone to Mr Wang for contact with the match referee and then, for some extraordinary reason, endeavoured to blame him by sending the WhatsApp messages to [REDACTED]. This suggestion is so bizarre that just to state it demonstrates its total improbability. In his interview, Mr Wang almost certainly told the truth, at least in relation to the obtaining of the Tunisian SIM card. There was no mention in the interview of a Tunisian acquaintance who, for reasons unknown, turned on him. Equally so at the hearing (when he had the services of a Mandarin interpreter), no such mention was made. The reality is that

this proposition defies credulity and can be rejected out of hand.

84 For the reasons just provided, I consider that Mr Wang's evidence is incredible, and his explanations incredulous.

85 The most obvious explanation (and the one I accept) is that using his Tunisian number, which he had registered with the tournament supervisor [REDACTED] Mr Wang sent the WhatsApp messages to [REDACTED] with the purpose of sounding him out as to whether he was prepared to throw their match.

86 Bearing in mind that the ITIA carries the onus to prove its case on the balance of probabilities I reach this conclusion comfortably notwithstanding [REDACTED] failure to give evidence at the hearing.

Conclusion and orders

87 The ITIA has established that Mr Wang forwarded the WhatsApp messages.

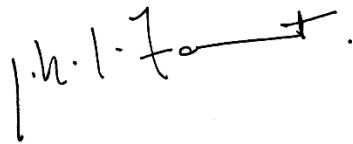
88 On the preponderance of the evidence, I have concluded that Mr Wang sent the WhatsApp messages to [REDACTED] with the intention of sounding him out as to whether he would participate in an agreement to fix the result of their match. In doing so, he breached the provisions of the TACP.

89 In my view, it is inappropriate, and unfair to Mr Wang, to find more than one of the charges proved, notwithstanding that possibly more than one Corruption Offence may have been established on the evidence. Clearly, the most relevant offence to the established facts is that of soliciting, proscribed under TACP section D.1.o³ and I am satisfied that Mr Wang has committed that corruption offence.

90 The formal order is that Mr Wang, a covered person as defined in sections B.10 and B.27 of the TACP 2024, is liable for a Corruption Offense pursuant to section D.1.o of TACP 2022.

³ See [9] above.

- 91 The ITIA has, in its written submissions, sought that Mr Wang be banned for around 12 months and fined \$2,000 (\$1,000 suspended).
- 92 Mr Wang should be given the opportunity to respond to the submissions contained under paragraph (e) of those submissions (paras 42 to 67). He should do so by 7 April 2025.
- 93 I will then, within 14 days, provide in writing my decision on penalty.

A handwritten signature in black ink, appearing to read "J.H. Forrest". The signature is written in a cursive style with a horizontal line extending to the right.

The Honourable Jack Forrest KC

26 March 2025