



I-CHING TSENG

INTERNATIONAL ARBITRATOR
SENIOR LITIGATION & DISPUTES LAWYER

CONTACT

+61 403 428 481

iching@tsengconsulting.com.au

Australia | Taiwan

www.tsengconsulting.com.au

LANGUAGES

- English
- Chinese (Mandarin) - Written and Spoken (Native)
- Japanese - Written and Spoken (Fluent)

EDUCATION

- LLM, Nagoya University, Japan
- Graduate Diploma in Legal Practice, College of Law, Sydney Australia
- LLB (Hons) / B. Int Bus, Griffith University, Brisbane, Australia



PROFILE

- Senior multilingual arbitration and dispute lawyer with 20 years' experience working in Australia, China, Japan and Taiwan with international clients on multimillion dollar cross-border arbitrations, mediations and litigations.
- Dedicated and self-motivated high achiever with significant experience in corporate governance, regulatory and compliance who frequently advises companies and SMEs on risk management frameworks, regulatory and compliance requirements and manages internal investigations in Australia and international markets.
- Proven track record of delivering strong results for clients from industries in court and arbitration settings, including under CIETAC, ICC, SIAC, HKIAC, London and ICSID rules.
- Experienced Arbitral Secretary for ICC arbitrations assisting in procedural aspects, research and preparing procedural orders and awards.

APPOINTMENTS & MEMBERSHIPS

International Centre for Settlement of Investment Disputes (ICSID)
Member - Conciliator and Arbitrator Panel (2024 - 2030)

Beijing Arbitration Commission/Beijing International Arbitration Center
Member of the Eighth Panel of Arbitrators (2024 - present)

Australian Centre for International Arbitration
Fellow - (2023 - present)

Asia Pacific Forum for International Arbitration
Committee Member, Taiwan Representative (2012 - present)

Singapore International Arbitration Centre
Reserve Panel Member (2015 - present)

Resolution Institute
Queensland Committee Member (2021 - 2024)

Chinese Arbitration Commission
Member of the Arbitration Panel and Financial Dispute Panel

Chartered Institute of Arbitrators
Fellow (2017 - present)
Member of the Sub-Committee of the Practice and Standards Committee (2011 - 2015)

The Institute of Arbitrators and Mediators
Queensland Chapter Committee Member (2012 - 2016)

EXECUTIVE CAREER

Tseng Consulting

Principal (2021 - present) - Brisbane, Australia

Pinsent Masons LLP

Senior Consultant (2021 - present) - Brisbane, Australia

Senior Associate (2018 - 2021) - Beijing, PRC

Bugden Allen Group Legal

Special Counsel (2021 - present) - Brisbane, Australia

Bartley Cohen

Special Counsel (2017 - 2018) - Brisbane, Australia

Baker McKenzie

External Consultant (January - May 2017) - Taiwan

MinterEllison

Senior Associate (2010 - 2016) - Brisbane, Australia

Baker McKenzie

Foreign Law Associate (2007 - 2010) - Tokyo, Japan

KEY EXPERIENCE

Responsible for conduct of numerous arbitrations for significant disputes under the Rules of the International Chamber of Commerce (ICC), International Centre for the Settlement of Investment Disputes (ICSID), Australian Centre for International Commercial Arbitration (ACICA), London Court of International Arbitration (LCIA), Singapore International Arbitration Centre (SIAC), Hong Kong International Arbitration Centre (HKIAC), Chinese International and Economic Trade Arbitration Centre (CIETAC) and United Nations Commission on International Trade Law (UNCITRAL).

CHINA INTERNATIONAL ECONOMIC AND TRADE ARBITRATION CENTRE (CIETAC)

Assisting Japanese manufacturing company in settling a multimillion dollar dispute arising out of alleged breach of long-term supply agreement where the dispute resolution clause provided for CIETAC arbitration.

AUSTRALIAN CENTRE FOR INTERNATIONAL COMMERCIAL ARBITRATION (ACICA)

Acting as a sole arbitrator in a dispute arising out of a loan agreement.

INTERNATIONAL CHAMBER OF COMMERCE (ICC)

Advised and represented a mining consulting company in an ICC dispute against an African company.

Advised a global gas explorer and producer in relation to the expected default of a foundation customer to take or pay for future gas supply, particularly the potential for arbitral proceedings under ICC Rules and enforcement risks in China.

Advised on a multimillion-dollar arbitration under the auspices of ICC brought by a Japanese government-owned entity under a joint development agreement.

Arbitral secretary in an ICC arbitration involving a dispute arising out of termination of distribution agreement including assisting the tribunal in all procedural aspects of the matters, coordinating meetings, carrying out research and assisting the tribunal in the preparation of procedural orders and award.

Acted as arbitral secretary to the sole arbitrator in an ICC arbitration involving a dispute between a manufacturer and a distributor arising out of alleged wrongful termination and product liability including assisting in all procedural aspects of the matters, including coordinating meetings, carrying out research and preparation of procedural orders and award.

Acted as arbitral secretary to the sole arbitrator in managing and coordinating an ICC arbitration involving a dispute arising out of alleged breach of a joint development agreement and trade secret including assisting in all procedural aspects of the matters, coordinating meetings, carrying out research and preparation of procedural orders and award.

HONG KONG INTERNATIONAL ARBITRATION CENTRE (HKIAC)

Arbitrator in a HKIAC arbitration between a Taiwanese listed company and a Hong Kong company (3 member tribunal).

Advised a start up company on potential HKIAC arbitration in relation to alleged defective design and manufacturing of integrated circuits for bitcoin mining machines.

THE LONDON COURT OF INTERNATIONAL ARBITRATION (LCIA)

Advised a Japanese company on LCIA arbitration proceedings and ICC proceedings for separate claims arising out of related long-term coal supply agreements where Queensland laws governed the ICC proceedings.

SINGAPORE INTERNATIONAL ARBITRATION CENTRE (SIAC)

Party representative (as part of the PM team) in relation to a dispute between a Chinese SOE and a Vietnamese power station in relation to a tax dispute.

Advised on a SIAC dispute against a coal supplier where the coal supplied contained large quantities of contaminants.

Advised in relation to a long-term coal supply agreement with a power station particularly the right to terminate the coal supply agreement due to frustration, and in carrying out a forensic exercise to substantiate its losses under the coal supply agreement, working with an economist to forecast future losses under the coal supply agreement, and assisted the company in its preparations for arbitration under SIAC Rules.

UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW (UNCITRAL)

Advised on potential ad hoc arbitration under UNCITRAL Rules in Queensland against an international distributor for alleged breach of know-how owned by the company.

OTHER

Advised on potential risk exposures and risk mitigation measures in relation to a dredging agreement, both in relation to enforcement of arbitral awards in foreign jurisdictions and risks arising out of compulsory adjudication process arising out of the Building and Construction Industry Payment Act (Qld).

Advised on an agreement with a State-Owned Entity for the supply and construction of "Stackers and Reclaimers" for a coal handling plant in Queensland and subsequently on potential arbitration and enforcement in China in relation to a dispute arising out of the agreement.

Advised a Chinese State-Owned Enterprise on a dispute with the government of Equatorial Guinea arising out of a school project (as part of Pinsent Masons team).

Advised on the drafting of an arbitration agreement in relation to an Australian loan agreement backed by securities in China.

Acted in ad hoc arbitration proceedings (two) under the now superseded Commercial Arbitration Act 1990 (Qld) in relation to breaches of a sugar supply agreement and in related appeals before the Supreme Court of Queensland.

Defended a football club in a FIFA DRC proceeding for unfair dismissal brought by an international football player.

Acted as sole panellist in a domain name dispute administered by the Resolution Institute (Australia).

Acted as sole panellist in a domain name dispute before the Institute of Arbitrators and Mediators Australia.

ENFORCEMENTS

Advised on enforcement of arbitral award in Australia against a company that was in the process of winding down.

Successfully enforced an arbitral award issued under the Rules of the Court of Arbitration of the Hamburg Chamber of Commerce in Japan.

FREE TRADE AGREEMENTS / BITS

Advised on potential ICSID arbitration proceedings in relation to a highway expansion project in Costa Rica.

Provided advice on investor-state arbitration procedures and assisted in the drafting of investor-state dispute resolution provisions in several EPC agreements with the government of Mozambique.

Advised on whether proposed regulation of sugar production and marketing under Queensland laws would impact on investments made in Australia by the company to such an extent as to violate the provisions in Chapter 9 of the Singapore-Australia Free Trade Agreement (SAFTA) and other free trade agreements entered into between Australia and other states.

Assisted in surveying and considering legislations and policies of state governments requiring preservation of certain percentages of gas production for domestic purposes and possible issues arising out of BITs and GATT obligations.

LITIGATION

Advised and represented a generator in the Supreme Court of Queensland in a dispute arising out of royalty payment arrangements with the coal production and export arm of one of Australia's largest listed companies.

Advised a developer in a Supreme Court proceeding against its former project manager and principal contractor in relation to fraudulent misrepresentations and common law deceit; breach of trust and swearing of false statutory declarations in the execution and performance of a subdivision project in Queensland, including assisting in obtaining freezing orders against the defendants' assets and in carrying out asset tracing exercises.

Advised in Queensland Supreme Court proceedings on disputes arising out of breach of long-term supply arrangements.

Represented subsidiary of an international construction and mining services company in the Supreme Court of Queensland in relation to a dispute with an Indonesian mine owner arising out of a life-of-mine mining services contract.

Advised one of the defendants in relation to its dispute with Aurizon arising out of rail infrastructure access agreement.

Collaborating with a Canadian local firm to advise on construction lien actions in the Ontario Superior Court against employers in relation to four hydroelectric power projects.

Working with a Jamaican local firm to advise on potential liabilities and claims arising out of a flooding incident at a major culvert site.

Advised on employer's payments obligations for completed work and timing of payments; on the company's ability to file bankruptcy claim against the employer where the employer failed to make payments, and on whether the lenders bear the risk of non-payments from the employer in related credit rights assignment agreement.

Advised on potential claims in relation to an oil refinery in Algeria.

Advised on early warning notices and potential claims for extension of time and additional costs in relation to a gas processing plant in Russia.

Advised on taking security in China for finances provided in Australia; on the appropriate entity to provide parent company guarantee (Chinese or Hong Kong entity); and on enforcement risks and potential options.

REGULATORY AND COMPLIANCE

Advising companies on risk management frameworks, regulatory and compliance requirements, and carrying out internal investigations.

Advised Taiwanese banks on representative office set up in Australia and assisting the bank with relevant applications to regulators, including the Australian Prudential Regulatory Authority and the Australian Security and Investment Commission.

Advised Taiwanese banks on operations in Australia, including possible scope of review and new policies and procedures required to comply with Australia's Banking Executive Accountability Act.

Assisted Taiwanese banks in branch set up in Australia, carrying out gap analysis of Taiwan home jurisdiction policies and procedures, and drafting whole of operation policies and procedures for operations in Australia, including:

- AML/CTF policy
- risk policy
- credit policy
- liquidity policy
- whistleblowing policy
- information security policy
- business continuity policy.

Advised an Asian property developer on investing in Australia and the potential setup of managed investment schemes and related Australian Financial Services Licence application and Australian Credit Licence application.

Advised a Hong Kong public company wholly owned by the Hong Kong Special Administrative Region Government on Australian regulatory frameworks applicable to the purchase and investments in primary and secondary loan markets, particularly in relation to infrastructure loans.

Advised UK pension trustee on taking guarantee of certain liabilities from a Chinese parent company, related SAFE registration requirements in China, enforcement risks and risk minimization measures.

Advised on the conduct of investigations in China on staff allegedly involved in unfair dealings, including privacy, personal data protection and state secrecy concerns related to such investigations.

Assisted in carrying out two separate investigations on staff allegedly involved in unfair dealings (seeking kickbacks and gifts in kind).

Advised on carrying out a forensic exercise to substantiate its losses under a long-term coal supply agreement and working with forensic accountants to substantiate the losses and an economist to forecast future losses.

Carried out internal interviews on procedures to prevent contamination of plasma products for a recombinant bio therapeutic product.

Advised on alleged hepatitis C infections arising out of alleged contaminated plasma products and on media handling strategy.

Carried out Japan country investigation as a part of a global undertaking in relation to alleged violations of the US Foreign Corrupt Practices Act.

Advised on compliance and anti-corruption regulations and standards imposed by the Japanese government and compliance with the requirements of the US Foreign Corrupt Practices Act for operations in Japan.

Advised on the crash of FedEx Express Flight and related environmental exposures arising out of spilled jet fuel and chemicals onboard.

Carried out investigations on employees in relation to alleged connections to organized crime syndicates.

Carried out investigations into alleged workplace bullying for foreign companies operating in Japan..