

SELECT CURRICULUM VITÆ

JEFFREY WAINCYMER

PERSONAL

Birthdate: 13 April, 1954

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Family Status: Married, 3 children

ACADEMIC BACKGROUND

1972-6 Melbourne University, Bachelor of Laws
Bachelor of Commerce

1981 Monash University, LLM by major thesis (Thesis topic -
'Valuation of Imported Goods for Customs Duty Purposes')

Awards and Prizes

Butterworths Book Prize for placing first in Taxation 1976

PROFESSIONAL BACKGROUND**Non-Academic**

1983 - Barrister and Solicitor of the Supreme Court of Victoria; also
Admitted to Practice before the Federal and High Courts of
Australia

1978-81 Articled Clerk and Solicitor, Archer Shulman & Co, Barristers
and Solicitors

Current Australian Government Nominee, World Bank ICSID
Arbitration Panel

Current Australian Government Nominee, WTO Non-Governmental
Panel List

Current Previously ICC Appointed Arbitrator

Academic

- 2002- Professor of International Trade Law, FACULTY OF LAW, MONASH UNIVERSITY
- 1993- 2001 Professor, SCHOOL OF LAW, DEAKIN UNIVERSITY
- 1988-93 Senior Lecturer, FACULTY OF LAW, MONASH UNIVERSITY
- 1985-87 Tenured Lecturer, FACULTY OF LAW, MONASH UNIVERSITY (Accelerated promotion 1986)
- 1983-84 Fixed term Lecturer, FACULTY OF LAW, MONASH UNIVERSITY (Accelerated promotion 1984)
- 1982 Tutor in law, Department of Accounting and Finance, FACULTY OF ECONOMICS AND POLITICS, MONASH UNIVERSITY

Visiting Academic Appointments

- Visiting Fellow Fribourg Law School, Switzerland 2006
- Visiting Fellow, Katholieke University, Leuven, Sept-Nov 1990
- Visiting Fellow University of Michigan School of Law, Columbia University School of Law, NYU School of Law and Graduate Institute of International Studies, Geneva, May-December 1986

PUBLICATIONS**Work in Progress****Books**

Procedure in International Commercial Arbitration, Kluwer International, anticipated publication 2010

Human Rights Implications of International Trade Regulation: A Critique of the World Trade Organization's Impact on Human Rights Attainment, Edward Elgar, anticipated publication 2011

The Revised UNCITRAL Arbitration Rules, Cambridge University Press with C Croft and C Kee, anticipated publication 2011

Articles

Advocacy in International Arbitration, presented at the Swiss Arbitration Association conference, January 2010

Anti-Dumping Law Reform, for submission after government's response to Productivity Commission inquiry

- New UNCITRAL Arbitration Rules

Completed Works

Books

The World Trade Organization and Human Rights: Interdisciplinary Perspectives, Edward Elgar (with S Joseph and D Kinley, co-editors) 2009

International Trade Law: Commentary and Materials (2nd edn), Law Book Company, 2004 (with M Pryles and M Davies) (1214 pages)

WTO Litigation: Procedural Aspects of Formal Dispute Settlement, London, Cameron May, 2002 (780 pp plus appendices)

A Practical Guide to International Commercial Arbitration (with R Garnett, H Gabriel and J Epstein), New York, Oceana, 2000, 216 pp

International Trade Law: Commentary and Materials (with Prof M Pryles and Prof M Davies) Law Book Co 1996, i-xlvi; 1111pp (responsible for 12.5 out of 24 chapters)

Australian Income Tax: Principles and Policy 2nd ed (Sydney: Butterworths 1993) i-xxxiii; 554 pp

Critical Perspectives and Ethics (Sydney: ATAX, University of New South Wales) February 1993

Australian Income Tax: Principles and Policy (Sydney: Butterworths, 1991) i-xx; 415 pp

Chapters in Books

'Internationalisation of Legal Education: Putting the "Why" before the "How"', in Stacey Steele and Kathryn Taylor (eds), *Legal Education in Australia*, Routledge (2010)

'Settlement of Disputes within Free Trade Agreements: Implications for a Proposed China/Australia Free Trade Agreement' in Garry Magee and Sisira Jayasuriya (eds) *Negotiating a Preferential Trade Agreement: Lessons from Australia and China*, Edward Elgar, London (2009)

'The Trade and Human Rights Debate: Introduction to an Interdisciplinary Analysis' in S Joseph, D Kinley and J Waincymer (eds), *The World Trade Organization and Human Rights: Interdisciplinary Perspectives*, Edward Elgar (2009)

'Property Rights and Human Rights in Expropriation Claims' in PM Dupuy, S Francioni and EU Petersmann, *Human Rights in Judicial Administration of 'Justice' in International Investment Law and Arbitration*, Oxford University Press. (2009)

'Multiple Claims in Arbitrations between the Same Parties' (with M Pryles), ICCA Bi-annual Congress, Kluwer Law International (2009)

'International Tax and International Trade Policy Objectives' in Luc Hinnekens and Philippe Hinnekens (eds), *A Vision of Taxes Within and Outside European Borders: Festschrift in Honour of Professor Dr Frans Vanistendael*, Kluwer Law International 2008, pp 877-904

- 'The CISG and International Commercial Arbitration: Promoting a Complimentary Relationship between Substance and Procedure' in Ulrich Schroeter and Camilla Baasch Andersemm (eds), *Sharing International Commercial Law across National Boundaries: Festschrift for Albert H Kritzer on the Occasion of his 80th Birthday*, Wild, Simmons and Hill (2008), pp 582-599
- 'Springtime in Vienna' in *The Vis Book*, Juris Publishing, 2008 (non DEST)
- 'Principles of WTO Dispute Settlement Reform' in Dencho Georgiev and Kim Van der Borght (eds), *Reform and Development of the WTO Dispute Settlement system*, Cameron May, London, 2006
- 'Evaluating Options for Dispute Settlement Reform' in K Van der Borght (ed) *WTO and Dispute Settlement Reform* (in press), Cameron May 2005
- 'Settlement of Disputes within the World Trade Organization: a Guide to the Jurisprudence' in P Lloyd and C Milner (eds), *The World Economy: Global Trade Policy 2001*, Blackwell, 2002
- 'China and the World Trading System' in V Taylor (ed) *Asian Laws Through Australian Eyes*, The Law Book Co Ltd, 1997, pp 424-439
- 'The Australian Tax Avoidance Experience and Responses: A Critical Review' in G Cooper (ed) *Tax Avoidance and the Rule of Law*, International Bureau of Fiscal Documentation Publications, 1997, pp 247-306
- 'Implementation of the World Trade Organisation Agreement in Australia' in J H Jackson and A O Sykes, *Implementing the Uruguay Round*, Clarendon Press, 1997, pp 285-332
- 'Income Taxation' in R Baxt and A Moore (eds) *An Annual Survey of Australian Law 1994* (Adelaide, *Adelaide Law Review*, 1995)
- 'Rules of Origin - Commentary' in E Vermulst, Waer and J Bourgeois, *Rules of Origin in International Trade*, The University of Michigan Press, 1994
- 'Income Tax' in R Baxt and A Moore (eds) *Annual Survey of Australian Law 1993* (Adelaide, *Adelaide Law School Review*, 1994)
- 'Income Tax' in R Baxt and A Moore (eds) *Annual Survey of Australian Law 1991* (Adelaide, *Adelaide Law School Review*, 1993)
- 'Anti Dumping Regulations in the Australian Context: A Commentary' in E Vermulst and J H Jackson (eds) *Anti Dumping Law and Practice*, Simon and Schuster, 1990
- 'Income Tax' in R Baxt and G Kewley (eds) *Annual Survey of Australian Law 1989* (Sydney, Law Book Company, 1990)
- 'Employee Deductions' in *Income Tax Law and Practice* (Sydney, Butterworths) (140 pages)
- 'Income Tax' in R Baxt and G Kewley (eds) *Annual Survey of Australian Law 1988* (Sydney, Law Book Company, 1989)
- 'Income Tax' in R Baxt and G Kewley (eds) *Annual Survey of Australian Law 1987* (Sydney, Law Book Company, 1988)

'Income Tax' in R Baxt and G Kewley (eds) *Annual Survey of Australian Law 1985* (Sydney, Law Book Company, 1986)

'Income Tax' in R Baxt and G Kewley (eds) *Annual Survey of Australian Law 1984* (Sydney, Law Book Company, 1985)

Shorter Monographs and Papers

'Legal Issues in Trade and Investment' *EOLSS* (2000)

Critical Perspectives and Ethics (Sydney: ATAX, University of New South Wales) February 1993

Basic Tax Concepts and Tax Planning in the Aftermath of the Tax Reform Process (Centre for Commercial Law and Applied Legal Research, Faculty of Law, Monash University, 1987) (53 pages)

Basic Tax Concepts and Tax Planning (Centre for Commercial Law and Applied Legal Research, Faculty of Law, Monash University, 1986) (52 pages)

'Cartegena Protocol on Biosafety' <<http://www.apec.org.au/docs/waincymer2001.pdf>>

Articles in Academic and Professional Journals

'The New UNCITRAL Arbitration Rules', *Vindobona Journal of International Commercial Law and Arbitration* (in press)

'Promoting Fairness and Efficiency of Procedures in International Commercial Arbitration – Identifying a Uniform Model', *Journal of the China Arbitration Association* (in press)

'Sovereign Risk and Investment Protection' (2009) 28:2 *AMPLA LJ*

'International Commercial Arbitration and the Application of Mandatory Rules of Law' in (2009) 5:1 *Asian International Arbitration Journal*

'The Howard Government's Legacy in International Trade and Investment' (2008) 27 *Australian Journal of International Law* pp 1-28

'Mandatory Laws and International Commercial Arbitration' (2005) 6(2) *Melbourne Journal of International Law* 1 (with A Barraclough)

'Bringing Transparency to the Transparency Debate within the Legal Regime of the World Trade Organization' (2001) 24 *Melbourne University Law Review* 797

'International and Comparative Legal Education Through the Willem C. Vis Moot Program: A Personal Reflection' (2001) 5 *Vindobona Journal of International Commercial Law and Arbitration* 251

'Settlement of Disputes within the World Trade Organization: A Guide to the Jurisprudence' (2001) 24(9) *The World Economy* 1247–1278

'Transparency of Dispute Settlement within the World Trade Organisation' (2000) 24(3) *Melbourne University Law Review* 797–838

- 'International Economic Law and the Interface between Trade and Environmental Regulation' (1998) 7(1) *Journal of International Trade and Economic Development* 3-38
- 'Dispute Resolution in International Commerce: Reflections on Procedural Justice' (1999) 12 *Nagoya University Forum of International Development Studies* 13 (40 pages) (with Judd Epstein)
- 'Reformulated Gasoline under Reformulated WTO Dispute Settlement Procedures: Pulling Pandora out of a Chapeau?' (1996) 18 *Michigan Journal of International Law* 141-181
- 'The Internationalisation of Australia's Trade Laws' (1995) 17 *Sydney Law Review* 298 (37 pages)
- 'If at First You Don't Succeed ... Reconceptualising the Income Concept in the Tax Arena' (1994) 19 *Melbourne University Law Review* 977 (43 pages)
- 'Revitalising GATT Article XXIII - Issues in the Context of the Uruguay Round' (1989) 17 *Australian Business Law Review* 3 (44 pages) (also published in *World Competition* 1988 below)
- 'GATT Dispute Settlement: An Agenda for Evaluation and Reform' (1989) 14 *North Carolina Journal of International Law and Commercial Regulation* 81 (38 pages)
- 'Revitalizing GATT Article XXII - Issues in the Context of the Uruguay Round' (1988) 12 *World Competition Law and Economics Review* 5 (44 pages)
- 'Galland's Case and Assignments of Partnership Interests' (1985) 14 *Australian Tax Review* 122 (11 pages)
- 'Highly Geared Property Investments - A Case Study in the Operation of Section 51' (1984) 1 *Australian Tax Forum* 335 (27 pages)
- 'Section 25A - Clarity or Confusion in the Taxation of Property Sales' (1984) 19 *Taxation in Australia* 556 (22 pages)
- 'Valuation of Imported Goods for Customs Duty Purposes' (1983) 11 *Australian Business Law Review* 27 (41 pages)
- 'Valuation of Imported Goods for Customs Duty Purposes' (1982) 56 *Australian Law Journal* 308 (3 pages)
- 'The Importer and the Law' (1982) 1 *Bulletin of the Business Law Section of the Australian Law Council* 1 (13 pages)

Government and International Reports and Papers

- International Legal Education and Training 'New and Emerging Opportunities', contribution to International Legal Services Advisory Committee 1995
- 'Review of Anti-Dumping and Countervailing Duty Decisions - A Discussion Paper' Administrative Review Council (Canberra, 1986) (32 pages)
- 'Australia's Trade Laws - Impact Upon Developing Country Exporters' United Nations Conference on Trade and Development (Geneva, 1985) (33 pages)

'International Tax Issues' (2006, Paper presented at ATAX Conference: Tax Issues in the Post-Budget Environment, University of New South Wales).

Other Articles and Notes

International Legal Education and Training 'New and Emerging Opportunities'
International Legal Services Advisory Committee 1995

'Peabody and Part IV A' (Paper presented: 3/11/1994, Seminar, Deakin University
Commercial Law and Policy Centre)

'Australia-New Zealand Closer Economic Relations Agreement and Anti-Dumping
Law Reform' Overseas Trade and Investment Note (1990) 18 *Australian Business
Law Review*

'Dahlia Mining Co Ltd v CC' Overseas Trade and Investment Note (1990) 18
Australian Business Law Review 64-66

'Developments in the Closer Economic Relationship between Australia and New
Zealand' (1990) 18 *Australian Business Law Review* 167.

'International Trade and Investment' (1990) 18 *Australian Business Law Review* 267

'1989 The Tax Year in Review' (Faculty of Law, University of New South Wales,
1989)

'Innocent Error: Still Vulnerable' *Journal of the American Chamber of Commerce in
Australia* Jan/Feb 1989 (with E Kyrou)

'Corinthian Industries (Syd) Pty Ltd v C-G Customs' Overseas Trade and Investment
Note (1989) 17 *Australian Business Law Review* 408-410

'A General View of Customs Practice' (1988) 62 *Law Institute Journal* 1216-1219

'CELA 1989 and CELA (No 2) 1989' Overseas Trade and Investment Note (1989) 17
Australian Business Law Review 280-283

'1988 May Economic Statement' Overseas Trade and Investment Note (1989) 17
Australian Business Law Review 160

'Uruguay Round of GATT Negotiations' Overseas Trade and Investment Note (1989)
17 *Australian Business Law Review* 95-6

'How CELA Will Affect You' [1989] *Australian Customs Agents Institute Journal*
10-12 (with E Kyrou)

'How Much Cover to Take' [1989] *Australian Customs Agents Institute Journal* 9-11

'Customs Duty' The University of New South Wales Faculty of Law, Sales Tax and
Customs Duty Series

'Anti Dumping Law Reform' Overseas Trade and Investment Note (1988) 16
Australian Business Law Review 334-337

'Valuation Law Reform' Overseas Trade and Investment Note (1988) 16 *Australian
Business Law Review* 253-257

'The New Capital Gains Tax and its Effect on the Taxation of Trusts' (Centre for Commercial Law and Applied Legal Research, Faculty of Law, Monash University, 1988)

Valuation Law Reform' Overseas Trade and Investment Note (1987) 15 *Australian Business Law Review* 454-458

'Protectionism, Bilateralism and Regionalism - Hidden Barriers to Trade and Anti-Dumping and Countervailing Duties' (The Asian Law Centre, Melbourne University, 1985) (7 pages)

'Anti Dumping Legislation' Overseas Trade and Investment Note (1985) 13 *Australian Business Law Review* 61-64

'Section 25A' in *Recent Developments in Taxation, Series B* (Faculty of Law, Monash University, 1984)

'Contesting Customs Tariff Classifications and Valuations - Recent Court and AAT Decisions' in *Practical Legal Problems of Importers* (Faculty of Law, Monash University, 1983) (8 pages)

'The Law of Import Regulation in Australia' Department of Accounting and Finance, Faculty of Economics and Politics, Monash University, Discussion Paper No 7, 1982 (75 pages)

EDITORIAL RESPONSIBILITIES

International Advisory Board - Vindobona Law Journal

International Advisory Board - Kluwer International Trade Law Series

Reporter (1991-94) *Administrative Law Decisions* (Butterworths)

Editor (1991) 19 *Australian Business Law Review*, 1-476

Editor (1990) 18 *Australian Business Law Review*, 1-460

Editor (1989) 17 *Australian Business Law Review*, 1-420

Editor (1988) 16 *Australian Business Law Review*, 1-484

Assistant Editor (1983-1987) *Australian Business Law Review* (with R Baxt, Editor)

Assistant Editor (1983-1987) *Bulletin of the Business Law Section of the Australian Law Council* (with R Baxt Editor)

Section Editor (1983-1991) 'Overseas Trade and Investment Law' *Australian Business Law Review* (Law Book Co)