

**SUPPLEMENTARY
SUBMISSION NO 5.1**



The University of Sydney

Faculty of Law



Dr Ben Saul BA (Hons) LLB (Hons) *Sydney* DPhil *Oxford*, Barrister

*Director, Sydney Centre for International and Global Law
Co-ordinator, Master of International Law Program*

173-175 Phillip Street
Sydney NSW 2000
Australia

DX 983, Sydney
Tel: +61 2 9351 0354
Facsimile: + 61 2 9351 0200
Email: bsaul@usyd.edu.au

Committee Secretary
Joint Standing Committee on Treaties
Department of House of Representatives
Parliament House, Canberra ACT 2600

By email: jsct@aph.gov.au

16 July 2007

Dear Committee Secretary

Please accept this submission to the review of the **Agreement on Operational and Strategic Cooperation between Australia and the European Police Office [2007] ATNIF 9**.

In general I support efforts enhance cooperation with Europol, in recognition of the changing realities of law enforcement within the increasingly integrated European community.

I have one concern one aspect of this treaty which strikes me as imbalanced. Where personal data is supplied by Europol to Australia, a more comprehensive range of safeguards applies (article 9) than when Australia supplies information to Europol (article 8). This may reflect the stronger protection of information privacy required under European human rights law.

It is a cause for concern that the personal data of Australians, when transmitted to Europe, does not receive an equivalent level of protection as that enjoyed by Europeans when their data is shared with Australia. At a minimum, an explanation for this discrepancy is desirable.

Yours sincerely

Ben Saul