



Foreign and Commonwealth Office

London SW1A 2AH

21 March 1985

Dear Charles,

Commonwealth of Australia Constitution Act

You wrote on 26 February about the Australian Prime Minister's request to the Prime Minister for one of the original copies of the Commonwealth of Australia Constitution Act to be sent to Australia on permanent loan.

As the Australian Prime Minister made clear, two original copies of the Australia Constitution Act are held in Britain, one by the House of Lords and one by the Public Records Office. Each has its own validity.

A request for the gift or permanent loan of the House of Lords copy must be considered by the Clerk of the Parliaments and put to the House of Lords for approval. However, we understand from the Clerk of the Records that there have been few if any instances of original documents being presented or loaned in this way.

A decision about the copy in the Public Records Office would be made on the recommendation of the Keeper of Public Records, and ultimately on the instructions of the Lord Chancellor as the Minister responsible for the Public Records. The separation of one of the original documents from the National Archive would also create a precedent.

/ I enclose a copy of a letter we have written to the Lord Chancellor's office asking, on the Foreign Secretary's behalf, that urgent and sympathetic consideration be given to the Australian request or to an alternative involving the temporary loan of one of the documents together with the gift of a facsimile. This will inevitably take a little time, since there are difficult precedents involved in releasing such documents. The Prime Minister may therefore wish to send a holding reply to the / Australian Prime Minister along the lines of the enclosed draft.

Yours ever,
L V Appleyard
(L V Appleyard)
Private Secretary

C D Powell Esq
10 Downing Street