



HOUSE OF LORDS,
SW1A 0PW
+
+ October 1985

CDP4K.

Dear Peter

AUSTRALIA CONSTITUTION ACT:
REQUEST FOR PERMANENT LOAN TO AUSTRALIA

Charles Powell's letters of 1 and 2 October concerning Mr Hawke's request to the Prime Minister to reconsider the question of a permanent loan of an original copy of the Australian Constitution were copied to me.

The Lord Chancellor has now had an opportunity to consider the matter again. He sympathises very much with the Prime Minister's desire to find a way of agreeing to the request, but remains firmly against allowing the Public Record Office copy to leave official custody permanently. The Lord Chancellor's reasoning is as set out in my letter of 20 March, a copy of which I enclose. The House of Lords copy is, of course, a matter for the House itself and not the Lord Chancellor.

I am copying this letter to Charles Powell (No 10) and David Morris (Lord Privy Seal's Office).

IP

Helen Tuffe

R STOATE

Private Secretary to
the Lord Chancellor

Peter Ricketts Esq
Foreign and Commonwealth Office



PR36/40/03

HOUSE OF LORDS,
SW1A 0PW

20th March 1985

Dear Peter,

AUSTRALIA CONSTITUTION ACT 1900

Charles Powell copied to this office his letter of 26 February seeking advice on the Prime Minister of Australia's proposal that the House of Lords or Public Record Office copy of the Australia Constitution Act be provided on permanent loan to Australia.

The question of the permanent loan of archival copies of Acts was raised in 1981 following a Canadian request for one or both of the record copies of the British North America Act 1867. The view then taken was that it would be wrong to allow either the Public Record Office copy, as the national archive record, or the House of Lords copy, as Parliament's record of its own proceedings, permanently to leave official custody. It would moreover be contrary to archival practice to interrupt complete sets of nationally important records. In the present case, and despite proposals currently on the table to discontinue the Public Record Office copy of Acts of Parliament, the Clerk of the Parliaments and the Keeper of Public Records are firmly of the same opinion as their predecessors; and the Lord Chancellor has indicated that he sees no reason to depart from the previous policy line.

In response to the Canadian request, the Foreign and Commonwealth Office arranged for a facsimile copy of the Act to be produced, at FCO's expense, by the Public Record Office. You may wish therefore to consider whether you would be content to follow this precedent, subject to the Prime Minister's approval.

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Peter Ricketts Esq
Foreign and Commonwealth Office

The facsimile could, if you thought it desirable, be authenticated by the Clerk of the Parliaments.

As an alternative, or as a possible supplement to the gift of a facsimile, we have considered the possibility of a temporary loan to Australia of the Public Record Office copy of the Act. The Lord Chancellor would be prepared to agree to such a loan for the duration of any commemorative exhibition which might be planned for 1988, provided, firstly, that the Keeper of Public Records was satisfied with the arrangements for display and safekeeping; and secondly that the document was, at either FCO or Australian expense, transported to and from Australia in the custody of a member of the PRO.

Copies of this letter go to the Private Secretaries to the Prime Minister, the Lord President of the Council and the Lord Privy Seal.

Yours sincerely,
R. Stoa

R STOATE

Private Secretary to
the Lord Chancellor