



Prime Minister

Agree that we should not accede to Mr. Hawke's request?

If so, would you please sign the attached letter.

Dear Charles

Foreign and Commonwealth Office

London SW1A 2AH

30 December 1985

CCPC ①

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As a matter of interest - would it really matter if we held the copy of the Constitution? *no*

Australian Bicentenary: Commonwealth of Australia Constitution Act

In your letters of 1 and 2 October you asked us to look again at the possibility of meeting the request in Mr Hawke's letter to the Prime Minister of 25 September for the copy of the Act held in the Public Records Office which forms part of the series of Statute Rolls to be sent to Australia on permanent loan. The delay in replying stems from the great difficulties which the Foreign Secretary and the Lord Chancellor have identified in their search for a way of meeting Mr Hawke's request, for which Sir Geoffrey Howe has sympathy.

The Australia Act is only one of the many millions of documents in our National Archive, but the principle at stake is important, namely that we do not disperse the collection. This is internationally accepted archival practice, including in Australia. For us to break it in any one case would set a dangerous precedent. This is not just a bureaucratic obstacle; it is a solid reason for sticking to our well-established rules.

The accepted way of dealing with requests such as Mr Hawke's is therefore to supply a high quality reproduction. As Richard Stoate said in his letter of 20 March, where the Lord Chancellor agrees to lend documents for exhibition overseas the practice is for the period of the loan to be strictly limited, most stringent conditions of security to be required in the exhibition areas and the documents to travel in the custody of an official of the Public Record Office, who alone has authority to install and remove them from their showcases.

Mr Hawke has said that a loan would not meet the concern which prompted his request. Given the importance of our relations with Australia and of our contribution to the Australian Bicentenary, Sir Geoffrey looked hard at other possible solutions. In particular he considered whether the rules might be relaxed under the following specific circumstances (which would allow us to meet Mr Hawke's request):



- (a) where one particular document is central to the Constitutional development of the country concerned;
- (b) where another original document is already held by Parliament;
- (c) where a facsimile could be made for retention in the Public Record Office; and
- (d) where this could be done without physically dismembering the document or scroll.

But the Lord Chancellor (supported by the records experts in the Foreign and Commonwealth Office) regards the integrity of the collections in the Public Record Office as of prime importance. He therefore does not accept even this slight relaxation of the rules, which could lead to the dismemberment of the collections by opening the door to demands for permanent loans of other 'key' documents. This might well be followed by requests from other countries (especially in the Commonwealth) for choice items from other archival, artistic or anthropological collections, especially since the document's arrival in Canberra would probably be the subject of a great deal of publicity. In particular we would risk offending the Canadians, whose exactly comparable request was refused and could not even be granted under the relaxed rules set out above (because of the fourth condition).

Sir Geoffrey Howe has therefore concluded, with great reluctance, that we should not agree to Mr Hawke's request, and should make clear in the reply to him why we cannot do so. I enclose a draft letter from the Prime Minister to Mr Hawke in that sense.

Yours ever,

Robert Culshaw

(R N Culshaw)
Private Secretary

C D Powell Esq
10 Downing Street



DRAFT: minute/letter/teleletter/despatch/note

TYPE: Draft/Final 1+

FROM:

The Prime Minister

Reference

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DEPARTMENT:

TEL. NO:

SECURITY CLASSIFICATION

- Top Secret
- Secret
- Confidential
- Restricted
- Unclassified

TO:

The Honourable R J L Hawke AC MP

Your Reference

Copies to:

PRIVACY MARKING

.....In Confidence

CAVEAT.....

SUBJECT:

In your letter of 25 September you asked me to consider again whether we could accede to your earlier request for the permanent loan of one of the two original copies of the Commonwealth of Australia Constitutional Act

This is a very difficult problem. ^{At my request} The Foreign and Commonwealth Secretary and the Lord Chancellor have looked afresh for some way in which we could meet your request, which is received here in London with great sympathy. But I am very sorry to have to tell you that we cannot make an exception for Australia by arranging a permanent loan. Our archival collections are rich in the history of the Commonwealth and other countries, and their chief virtue lies in their comprehensiveness. If we began to disperse them, even on so small a scale and for so good a cause, their value to researchers from all over the world who wish to consult them would be diminished.

I should, however, like to repeat the offer in my letter of 30 May, to present to you fine quality reproductions of the Act itself and of the Royal Commission of Assent, in a suitable presentation case. We would also be glad to make arrangements for the temporary loan of the Public Record Office copy for any commemorative exhibition.

Enclosures—flag(s).....

If I am sorry not to be able to be more helpful but can assure you that I have been into the problem

not completely satisfied

AUSTRALIA
RELATIONS
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