

CJPC

HOUSE OF LORDS,
LONDON SW1A 0PW

Rine Minister
The Lord Chancellor feels
that we cannot agree
to the Australian request
for the original of their
Constitution, without damaging

8 June 1988

Charles Powell Esq
Private Secretary
10 Downing Street
LONDON SW1

Oughtn't we to consider
the immense value to
Australia of having one
of the originals. I think

Dear Charles,
are they really not

an unbroken archival record &
creating a precedent which would be
followed by other Commonwealth countries.
The only point one could make
is that we ought to be prepared to
make such an exception for all
Commonwealth countries, since their

AUSTRALIA CONSTITUTION ACT

I am writing in response to your letters of 13 and 26 April to the Foreign and Commonwealth Office, which were copied to me, about the Australian request for a permanent loan of one of the two originals of the Australia Constitution Act.

I am sorry you have not had an earlier reply but the Lord Chancellor wanted to have further advice from the Public Record Office and to look at the matter afresh. He has considerable sympathy with the request but after careful consideration he takes the view that it would not be right to depart from the view set out by Lord Chancellor Hailsham in 1985, that the copy of the Act which is in the Public Record Office should not be placed on permanent loan with the Australians.

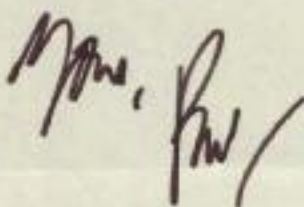
It might be helpful if I were to rehearse how the two copies come into existence. When a Bill receives the Royal Assent the Queen's Printer prepares 2 copies on durable vellum, as well as the generally available paper copies. One goes to the House of Lords and is signed by the Clerk of the Parliaments as the authentic record of what Parliament has passed. The other goes to the Public Record Office, specifically for the purpose of becoming part of our national archive.

The Australia Constitution Act, like other Acts of Parliament, is a public record of national importance. It has a natural and obvious place in the Public Record Office's national archive as a record of Parliamentary proceedings. It also forms one of an unbroken series of records going back to the time of Edward I and so in a sense can be said to be part of an archive which is common to the whole of the English-speaking world.

The Lord Chancellor feels that it would be an unacceptable breach of practice to remove even one item from a series of such significance. Agreement to the Australian request would create a powerful precedent for the permanent loan, or even gift, of other records of national significance from the Public Record Office. Other Commonwealth countries are in a directly comparable position; a similar request from the Canadians for a permanent loan of the British North America Act 1867 was turned down in 1981. Similarly, the Public Record Office holds records of exceptional importance to many other non-Commonwealth countries. The Lord Chancellor sees considerable difficulty in refusing subsequent requests for permanent loans from such sources. He could not allow the national archive for which he is responsible to be eroded in this way.

You know that a facsimile of the Act was presented to the Australian Parliament last year and that the Public Record Office copy is currently on temporary loan in Australia for a period of 6 months. It has been suggested that the request for a permanent loan might be acceded to if the Public Record Office were able to accept a facsimile copy for preservation in its place. The Lord Chancellor has considered this but would not be willing to accept this in view of the importance of preserving such documents within our own national archive as a continuous series.

I am sending copies of this letter to Bob Peirce and Alan Furness in the Foreign and Commonwealth Office, to enable them to add any further advice on the matter from their field of responsibilities.



Paul Stockton



Austracina

Angora Austracina Rotundis Pt 2