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Foreign and Commonwealth Office  
London SW1A 2AH

20 June 1988

Commonwealth of Australia Constitution Act

Your letter of 9 June asked for the Foreign Secretary's views on the Australian request for the permanent loan of one of the two original copies of the Commonwealth of Australia Constitution Act, on which the Australian Parliamentary group pressed the Prime Minister during their call on her on 13 April. He has seen the Lord Chancellor's views, given in Paul Stockton's letter of 8 June to you.

The Foreign Secretary very much shares the Prime Minister's sympathy with the Australian request, and recognises the force of the suggestion in your letter of 9 June that we might make available one copy of a Constitution Act to any Commonwealth country that asked.

There are, however, real difficulties in meeting Australian wishes and by extension similar demands from other Commonwealth countries. As the Lord Chancellor notes, to do this could expose us to a host of requests from other countries for the permanent loan of originals of documents in British records, including revived claims from former British territories for their independence and pre-independence legislation. The Indians in particular would like to get their hands on originals of British legislation and other papers on India. The Pakistanis and Bangladeshis have lodged similar claims and the Burmese too have an interest in the India office records. The Canadians would certainly make an early bid since we turned down their request in 1981 for an original copy of the British North America Act 1867. (The Canadians were given a fine facsimile copy of their Act, just as we have given the Australians a facsimile of theirs.)

Although we could attempt to be very selective in what we agree to hand over to Commonwealth countries the Foreign Secretary agrees with the Lord Chancellor that it might prove extremely difficult to hold the line on Constitution Acts. The setting of such a precedent (no original and unique document important to UK history has ever been removed from the PRO for permanent retention overseas) is bound to lead to renewed requests for further documents considered to be historically important to these countries. This would add an irritant in our bilateral relationships. Consideration would also have to be given to the furore which could be expected from academics and others, not only in this country but also from overseas; the records of the FCO and its predecessor departments are some of the most heavily consulted in the PRO.

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Thus the Foreign Secretary on balance agrees with the Lord Chancellor that we should continue to resist the Australian request. He is of course happy to attend a meeting about the matter if this is the Prime Minister's wish.

I copy of this letter goes to Paul Stockton (Lord Chancellor's office).

*Yours ever*

*Bob Peirce*

(R N Peirce)  
Private Secretary

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