



PR36/40/03

HOUSE OF LORDS,
SWIA 0PW

20th March 1985

Dear Peter,

*NBM
CDP
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AUSTRALIA CONSTITUTION ACT 1900

file with CDP

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

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Private Secretary to
the Lord Chancellor

DEPARTMENT/SERIES <i>PREM 19</i> PIECE/ITEM <i>1421</i> (one piece/item number)	Date and sign
Extract/Item details: <i>Letter from Hailsnam to Howe dated 12 March 1985</i>	
CLOSED FOR YEARS UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	<i>2 May 2014 C. Wayland</i>
MISSING AT TRANSFER	
MISSING	
NUMBER NOT USED	



JA
29

10 DOWNING STREET

From the Private Secretary

26 February 1985

I enclose a copy of a letter to the Prime Minister from the Prime Minister of Australia seeking the return of either the master copy or the duplicate of the Commonwealth of Australia Constitution Act in connection with Australia's bicentenary in 1988.

BEI I should be grateful for early advice and a draft reply. If it is likely to be a matter which requires extensive consultation, it would be helpful to have a draft acknowledgement explaining the background.

I am sending copies of this letter and enclosure to the Private Secretaries to the Lord President of the Council, the Lord Chancellor and the Lord Privy Seal.

(Charles Powell)

Peter Ricketts, Esq.,
Foreign and Commonwealth Office.

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