

CONFIDENTIAL



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adil C.

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

26 April 1988

AUSTRALIAN CONSTITUTION ACT

I enclose a copy of Mr. Coles' telegram No. 279 from Canberra about the Australian request for a permanent loan of one of the two originals of the Australian Constitution Act. The Prime Minister has considerable sympathy with the case, argued by Mr. Coles. I believe that you are pursuing the issue further with the departments concerned. The Prime Minister will wish to see a considered recommendation.

I am copying this letter and enclosure to Paul Stockton (Lord Chancellor's Office).

CHARLES POWELL

A. C. Galsworthy, Esq., C.M.G.,
Foreign and Commonwealth Office.

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FM CANBERRA
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INFO IMMEDIATE CABINET OFFICE

*Yes
OK*
*I assume we have
repeated on enquiries - I
discuss this with the relevant
dept*

CABINET OFFICE PLEASE PASS TO NO. 10 DOWNING STREET (FOR MR CHARLES POWELL)

YOUR TELNO 202 : AUSTRALIAN CONSTITUTION ACT

1. YOUR TUR ARRIVED WHEN I WAS AWAY IN QUEENSLAND. APOLOGIES FOR DELAY IN REPLY.
2. IN MY OPINION THE QUESTION OF LENDING PERMANENTLY TO AUSTRALIA ONE OF THE TWO ORIGINALS OF THE CONSTITUTION ACT SHOULD INDEED BE RE-EXAMINED.
3. THIS IS NOT YET A LARGE ISSUE HERE BUT IT COULD BECOME SO BEFORE OR DURING THE PRIME MINISTER'S VISIT IN AUGUST. GIVEN THE COMPLEX AUSTRALIAN ATTITUDE TOWARDS THE RELATIONSHIP WITH BRITAIN IT IS JUST THE SORT OF ISSUE WHICH COULD AROUSE STRONG FEELINGS. THE AUSTRALIAN PRIME MINISTER HAS RAISED THE MATTER WITH MRS THATCHER FOUR TIMES (THREE TIMES IN WRITING) AND ON THE LAST OCCASION, IN JULY 1986, EXPRESSED HIS INTENTION OF RAISING IT AGAIN. AT MY OPENING CALL ON MR HAWKE ON 24 MARCH ONE OF HIS ADVISERS BROUGHT THE ISSUE UP (MY TELNO 202). SINCE MY ARRIVAL HERE THERE HAVE BEEN REFERENCES IN THE MEDIA BUT AS YET THERE HAS NOT BEEN A MAJOR MEDIA CAMPAIGN.
4. AS AUSTRALIAN BICENTENNIAL CELEBRATIONS PROGRESS, EVENTS SUCH AS THE OPENING OF THE NEW PARLIAMENT BUILDING BY HM THE QUEEN ON 9 MAY WILL FOCUS AUSTRALIAN ATTENTION EVEN MORE ON THIS COUNTRY'S HISTORICAL ORIGINS. ONE CLEAR EFFECT OF THE BICENTENARY HAS BEEN TO STRENGTHEN THE AUSTRALIAN SENSE OF NATIONHOOD. AT YESTERDAY'S ANZAC DAY COMMEMORATION THE CHIEF OF THE NAVAL STAFF TOLD ME THAT HE ATTRIBUTED THE GREATLY INCREASED ATTENDANCE AT THIS EVENT TO QUOTE A NEW SURGE OF AUSTRALIAN NATIONALISM UNQUOTE. IT IS THIS FACTOR WHICH MAKES THE CURRENT ISSUE POTENTIALLY SENSITIVE. AS HAWKE SAID IN HIS LETTER OF 25 SEPTEMBER 1985 TO THE PRIME MINISTER QUOTE THE AUSTRALIAN CONSTITUTION HAS GREAT SIGNIFICANCE FOR THE PEOPLE OF THIS COUNTRY. IT MARKS OUR BIRTH AS A NATION UNQUOTE. IN A COUNTRY WHERE MODERN HISTORY IS SO BRIEF, CONSTITUTIONAL DOCUMENTS ARE OF FAR GREATER EMOTIONAL SIGNIFICANCE THAN THEY MIGHT BE IN OLDER COUNTRIES. YET EVEN WE MIGHT FEEL PRETTY STRONGLY IF WE HAD NO ORIGINAL OF MAGNA CARTA (INCIDENTALLY THE LINCOLN CATHEDRAL ORIGINAL OF MAGNA CARTA WILL BE ON DISPLAY AT EXPO 88, WHICH THE PRIME MINISTER IS DUE TO VISIT, AND COULD REVIVE THE ARGUMENT ABOUT THE CONSTITUTION ACT).
5. A MAIN ARGUMENT WE HAVE USED WITH THE AUSTRALIANS IS THAT IT IS THE COMPREHENSIVENESS OF OUR ARCHIVES WHICH MAKES THEM SO VALUABLE TO RESEARCHERS. BUT INSOFAR AS RESEARCHERS CANNOT MANAGE PERFECTLY WELL WITH PHOTOCOPIES, IS ONE ORIGINAL NOT ENOUGH FOR THEIR PURPOSES? OUTSIDE PARTIES MUST FIND IT VERY HARD TO SEE WHY WE SHOULD KEEP TWO ORIGINALS. I SEE THE DIFFICULTY ABOUT SETTING A PRECEDENT BUT AUSTRALIA IS A VERY SPECIAL CASE AND COULD BE JUSTIFIED AS SUCH. AGAINST THE BACKGROUND OF OUR SHARED HISTORY, ESPECIALLY OUR COMMON SACRIFICE IN WARTIME, AND THE EXTRA-ORDINARY STRENGTH OF PERSONAL AND FAMILY TIES (8 MILLION PEOPLE IN BRITAIN ARE SAID TO HAVE RELATIVES IN AUSTRALIA), AND THE SPECIAL CIRCUMSTANCES OF THE BICENTENARY, A CONTINUED DECISION NOT TO MAKE AVAILABLE AN ORIGINAL PERMANENTLY WILL, I BELIEVE, BE REGARDED AS UNGENEROUS AND INSENSITIVE. I DOUBT WHETHER IT COULD BE SUSTAINED WHEN THE NEXT AUSTRALIAN CELEBRATIONS OCCUR - THE CENTENARY IN 2001 OF THE ESTABLISHMENT OF THE FEDERATION (ESTABLISHED BY THE DOCUMENT IN QUESTION). IT WOULD BE A PITY IF THE ISSUE CONTINUED TO RANKLE TILL THEN.
6. I THEREFORE RECOMMEND THAT WE MAKE A SPECIAL EXCEPTION FOR AUSTRALIA AND AGREE TO A PERMANENT LOAN. IF MINISTERS SHOULD SO DECIDE I DO NOT THINK SUCH A DECISION SHOULD BE CONVEYED TO THE HEAD OF THE AUSTRALIAN DELEGATION WHICH RECENTLY RAISED THE ISSUE AT NO. 10 BUT RATHER THAT IT SHOULD BE CONVEYED DIRECTLY TO MR HAWKE. ON BALANCE I WOULD FAVOUR THIS BEING DONE AS SOON AS POSSIBLE, RATHER THAN DELAYING IT UNTIL THE PRIME MINISTER'S VISIT WHEN IT WOULD BE MORE LIKELY TO APPEAR TO BE A RESULT OF PRESSURE.

COLES

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