



PRIME MINISTER

CHECK AGAINST DELIVERY

EMBARGOED UNTIL DELIVERY

**SPEECH BY THE PRIME MINISTER
HANDOVER OF CONSTITUTION ACT
CANBERRA - 23 AUGUST 1990**

Sir Geoffrey and Lady Howe,
Excellencies,
Parliamentary Colleagues,
Distinguished Guests,
Ladies and Gentlemen

I am delighted today to take formal possession, on behalf of the Government and people of Australia, of this original copy of the Commonwealth of Australia Constitution Act 1900.

This Act of the British Parliament gave birth to the Australian Constitution and, with it, to the Australian nation. By the terms enacted in this document, Australians were legally bound together as one people.

Until now this document has been part of the public records of the United Kingdom - one of only two vellum originals of the Commonwealth of Australia Constitution Act 1900.

It is entirely understandable that the British authorities should have jealously safeguarded the integrity of historical records such as this - and indeed of the entire heritage of public records that, as Sir Geoffrey reminds us, stretches back without break to the Thirteenth Century.

So it was all the more a welcome and significant token of goodwill towards us, that the British Parliament passed special legislation earlier this year to allow this document to be handed over today for permanent safekeeping in Australia.

This document is a proof of the deep friendship that exists between Australia and the United Kingdom, and it is a remarkable token of the intimate ties of history and constitutional democracy that we share.

It is, simply, a gift of inestimable value - and I stress the word 'gift'. This document has never before been owned by Australia.

At the same time, it takes nothing away from our sense of gratitude to observe that this object, gift as it is, has always been Australian. Though it is only now that we formally own it, it is, in a real sense, simply being "returned" to us.

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That is, of course, because the Constitution and Federation that were enacted with this legislation were the end-product, the cap-stone, of a long and vital process by which the Australian people themselves decided to unite and live as one nation.

It was the product of some ten years of intense negotiations by the leading members of the six Australian colonies. In draft form, it was put to popular vote and was adopted by a majority in each of the six colonies.

So the words of the Australian premiers in 1900, when Responding to British suggestions for amendments to the Constitution Bill, are timely today:

"The Commonwealth Bill belongs ... in a very special sense to the people of Australia, whose only mandate to Governments and Parliaments is to seek its enactment by the Imperial Parliament in the form in which it was adopted by the people."

History records that this viewpoint was largely accepted and the Bill passed the British Parliament on 5 July 1900. It received Royal Assent from Queen Victoria on 9 July and on 17 September 1900 she signed a Proclamation having the effect of bringing the Constitution Act into force on 1 January 1901.

Australia already holds duplicate originals of both the Royal Proclamation and the Commission of Royal Assent.

So in obtaining this document today we are completing the set - we are bringing together the trinity of documents which constitutes the birth certificate of Australia.

So this document is now back where it rightly belongs - in the possession of the Government of Australia, on display in the Parliament of Australia, for perusal by the people of Australia.

For such an achievement, many people deserve credit.

To Sir Geoffrey Howe, as the representative of the United Kingdom Government and Parliament, our primary thanks are due. When I met Prime Minister Thatcher in Gallipoli in April I took the opportunity of thanking her personally for this gift. I ask, Sir Geoffrey, that you take back to Prime Minister Thatcher and to your Parliament the heartfelt gratitude of the entire Australian Government, Parliament and people.

Alf Morris also deserves great praise - not only because his private member's bill did so much to break the logjam but also because, as leader of the ANZAC Parliamentary Group at Westminster he had the determination to garner cross-party support for the proposal, harnessed to an accurate understanding of the symbolic importance to Australians of the document in question.

Many people on the Australian side have also contributed to this occasion

- Senator Gareth Evans first suggested we seek an original copy of the Constitution from the British for our bicentennial celebrations
- our High Commissioner in Britain, Doug McClelland, has played an essential behind the scenes role
- and, not least, the Secretary of my Department Mike Codd, has assiduously pursued this matter with his British counterpart.

Finally, it is appropriate to acknowledge the role of the two million or more Australians who have already visited this Parliament House and who have seen this document on display just above where we are standing - demonstrating beyond doubt the interest of Australians in this fundamental part of our political, legal and cultural heritage.

This is an occasion of which our founding fathers, the pioneers of the Australian Constitution, would have been deeply proud. So I add my welcome to all the descendants of these original statesmen of the Australian nation, who are honoured guests today.

As you have mentioned, Sir Geoffrey, I have recently called on Australians to undertake a new effort to modernise and to make more efficient the Federal system under which we live. Part of this may involve a new initiative to amend by referendum some of the terms of the Federal compact agreed on by our colonial forebears nearly 100 years ago and enacted in this document.

It is perhaps a matter of wonder that the original terms of the Constitution have proven so resilient to change over the years - despite numerous opportunities for change being presented to the Australian electorate by Governments up to and including the present one. I can only assume that the frequency and strength of "No" votes in referendums must be due to the abiding affection Australians feel for every section, sub-section, clause and word of the original Federal compact.

Now that visitors to this Parliament House can see the original Constitutional documents in all their unabridged, unamended, turn-of-the-century glory they may - you never know - hear the siren call of reform sounding in their ears. If "No" votes become "Yes" votes, we may well have double reason for gratitude to you Sir Geoffrey and to your Parliamentary colleagues for your generosity.

I now have great pleasure in accepting this gift on behalf of all Australians.
