



BALMORAL CASTLE

PERSONAL AND CONFIDENTIAL

2nd October, 1975.

My dear Governor General

Your two letters of 20th September have been read with much interest by The Queen and Her Majesty has told me to tell you that she has also had a very full account from Prince Charles of his talks with you.

The Queen is delighted that everything went so well in Papua New Guinea over the Independence celebrations. I have had a long talk with Prince Charles myself and I can assure you that he thoroughly enjoyed his visit and the opportunity it gave him of representing The Queen on an historic occasion. Prince Charles also told me how much he enjoyed his conversations with you.

Your letter in which you describe the political situation and the problems which may face you as a result of it is of extreme interest. I hope very much that we shall have an opportunity of discussing these problems in November before they come to the boil. I hope even more that they will not come to the boil at all !

To my untutored eye it does appear that section 53 of the Constitution leaves the Senate with the power to reject money Bills, if only because it is NOT stated that such power does not exist. Had the intention been to deny this power to the Senate it would surely have been stated in this section which is so specific about what the Senate may or may not do about money Bills ?

An interesting reflection, even if it is of no practical value, is that perhaps "conventions" in constitutional procedure become more binding where there is no written Constitution than where there is.

If the Senate does reject the Appropriation Bills and the Prime Minister, nevertheless, presents them to you for assent your position will be most unenviable. Unless one knows all the facts and precedents it is difficult, and perhaps unhelpful, to express a view. But perhaps it would not be improper to ask a question.

"Would you in fact have the constitutional power to give assent to a Bill which had not passed the Senate. Does the Constitution not preclude you from doing so ?

And perhaps I might ask another question.

"If you were asked to give assent to a Bill which had not passed the Senate, could you get the matter tested in the High Court without having given assent, or could the High Court only consider the matter if your action in giving assent was challenged ?"

In all these difficult matters I am sure you are right to keep your options open and not to decide now what you will do in any given circumstances. When an actual crisis comes the circumstances are so often subtly yet decisively different from what was visualised.

I hope you are right in believing that the crisis will probably be avoided and that something will "give." Reason certainly dictates that it should !

Prince Charles told me a good deal of his conversation with you and in particular that you had spoken of the possibility of the Prime Minister advising The Queen to terminate your commission with the object, presumably, of replacing you with somebody more amenable to his wishes. If such an approach was made you may be sure that The Queen would take most unkindly to it. There would be considerable comings and goings, but I think it is right that I should make the point that at the end of the road The Queen, as a Constitutional Sovereign, would have no option but to follow the advice of her Prime Minister.

Let us hope none of these unpleasant possibilities come to pass. I believe the more one thinks about them the less likely they are to happen: the umbrella/rain syndrome !

I look forward to discussing them all with you in November.

The Queen sends you her best wishes: she is very conscious of the problems that may face you, and confident of your ability to deal with them.

Yours sincerely
Martin Charteris

His Excellency the Governor-General
of Australia.