
The Parliament of the Commonwealth of Australia

The display of articles

An examination of the practice of the House of Representatives

House of Representatives
Standing Committee on Procedure

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Canberra

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Foreword

The display of articles by Members in the Chamber and Main Committee sometimes attracts considerable attention from the media and members of the public. This was exemplified in the week commencing 25 May 2009.

The Speaker later wrote to the Standing Committee on Procedure, asking that it consider matters related to the display of articles in the House of Representatives. His letter also referred to technological developments over the years which had changed the way in which the public engages with the Parliament.

The Committee undertook an examination of the current practice of the House relating to the display of articles. The Committee found that the practices and procedures of the House were well-established and clearly set out.

Julie Owens MP
Chair



Membership of the Committee

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Terms of reference

Terms of reference for the Committee

To inquire into and report on the practices and procedures of the House and its committees.



Reference guide

- H.R. Deb. House of Representatives Debates (Hansard). References are to date and page.
- H.R. Practice* Harris, I. C. (ed), *House of Representatives Practice*, 5th edition, Canberra: Department of the House of Representatives, 2005.
- May* McKay, Sir William (ed), *Erskine May's Treatise on the law, privileges, proceedings and usage of Parliament*, 23rd edition, London: LexisNexis UK, 2004.

Background

- 1.1 During the week beginning 25 May 2009, articles were displayed by Members in the Chamber on numerous occasions, particularly during Question Time. The Prime Minister and other Ministers displayed photographs and folders containing details of funding under various government programs.¹ Members of the Opposition also displayed articles, such as an oversized picture of a credit card and a very large graph.²
- 1.2 The Speaker subsequently wrote to the Standing Committee on Procedure on 1 June 2009. In his letter, the Speaker asked the Committee to consider the practice of Members displaying articles in the House. He also referred to the broader issue of technological developments in the broadcasting of parliamentary proceedings, which had changed the way the public interacts with the House of Representatives.

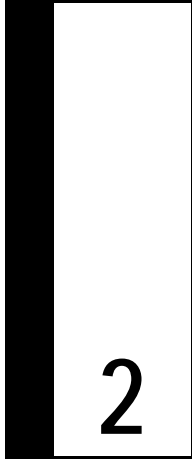
Scope

- 1.3 The Committee recognises that changes in technology have resulted in images of House proceedings being more immediately accessible to the public. The practices of the House have not necessarily been wholly responsive to, or taken full advantage of, these changes.

1 H. R. Deb. (25.5.2009) 4073-4; H. R. Deb. (26.5.2009) 4261-3; H. R. Deb. (27.5.2009) 4504-6.

2 H. R. Deb. (27.5.2009) 4506-7; H. R. Deb. (28.5.2009) 4761-2.

- 1.4 One of the Committee's other inquiries – into the conduct of the business of the House – will, to a limited extent, consider changes in technology and their impact on the way the House operates. In the context of that inquiry, the Committee has received evidence from the Speaker, the Leader of the House, the Manager of Opposition Business, other Members and the Clerk of the House of Representatives. The discussions reinforced the need to address changes in the public's engagement with the Parliament as a result of changes in technology.
- 1.5 Improvements in technology are, however, a double-edged sword. On the one hand, they have the potential to improve communication between the Parliament and the community. On the other, they can provide a more powerful platform for people who choose to stretch the boundaries of the rules of the House.
- 1.6 In the longer term, a separate, wide-ranging inquiry would be appropriate to ensure adequate scope to investigate a range of matters in relation to the more sophisticated use of visual material in the House. These issues might include the use of visual presentations and how such material used in the Chamber and Main Committee might be recorded and made available to the public.
- 1.7 The immediate concern with 'stunts' distracts from the broader debate about the potential to use more sophisticated visual material in the House. The Committee would not wish its comments in relation to 'stunts' to limit debate on the broader issue. The Committee therefore considers it appropriate to limit its comment, for the present time, to the events that took place in the Chamber during the week of 25 May 2009 and the related rulings and media attention.



The practice of the House

- 2.1 When considering articles displayed by Members in the Chamber and Main Committee, a distinction can be made between the use of legitimate visual aids, which are intended to enhance understanding, and ‘stunts’ staged for dramatic effect or to make a political point.
- 2.2 The difference between the two categories of articles is discussed below. Some consideration is given to the Speaker’s role in determining how articles should be dealt with in the Chamber, and some significant rulings by successive Speakers outlined. Finally, a summary of the current practice of the House is given.

‘Legitimate’ visual aids

- 2.3 Members may have cause to use ‘legitimate’ visual aids during speeches to provide audiences with a greater understanding of the message being conveyed. Legitimate visual aids are usually referred to incidentally in a Member’s speech.
- 2.4 These visual aids would usually qualify for incorporation into the *Hansard*: they are items that need to be seen in visual form for comprehension. Examples of visual aids that have been incorporated into the *Hansard* include charts, graphs, tables and photographs.³ Publication in *Hansard* gives broad access to the content of legitimate visual aids.

3 *H.R. Practice*, pp 491-2.

- 2.5 Members might wish to present – i.e. table – a legitimate visual aid and have it included in the House’s records. A Member would require leave of the House to proceed in this manner. *Legitimate* visual aids tend to be less political in nature and are therefore more likely to be able to be presented by Members and included in the official record of proceedings.

Examples

- 2.6 The following articles have been permitted to be displayed by Members in the House during the course of debate:

- a flag;⁴
- photographs and journals;⁵
- plants;⁶
- a gold nugget;⁷
- a bionic ear;⁸
- a silicon chip;⁹
- a flashing marker for air/sea rescue;¹⁰
- a synthetic quartz crystal;¹¹
- superconducting ceramic;¹²
- hemp fibres;¹³
- a heroin 'cap';¹⁴
- a gynaecological instrument;¹⁵
- a sporting trophy;¹⁶
- ugh boots;¹⁷ and
- mouse pads.¹⁸

4 H.R. Deb. (25.9.1970) 1697. The flag was exhibited in support of the allegation that the staff was for use as a weapon.

5 H.R. Deb. (17.9.1964) 1283–5.

6 H.R. Deb. (25.11.1965) 3168; H.R. Deb. (16.9.1981) 1437; H.R. Deb. (1.5.1986) 2949–50.

7 H.R. Deb. (20.10.1981) 2250.

8 H.R. Deb. (25.5.1983) 934.

9 H.R. Deb. (2.11.1983) 2195.

10 H.R. Deb. (19.8.1982) 687–8.

11 H.R. Deb. (1.12.1983) 3166.

12 H.R. Deb. (8.10.1987) 985.

13 H.R. Deb. (19.6.1995) 1771–2.

14 H.R. Deb. (2.6.1997) 4577.

15 H.R. Deb. (8.12.1999) 13148.

16 H.R. Deb. (14.10.2003) 21389–90.

17 H.R. Deb. (12.8.2004) 32977–8.

18 H.R. Deb. (19.2.2008) 674–5.

‘Stunts’

2.7 In other cases, articles are displayed by Members in a way that could reasonably be interpreted as being for dramatic effect or to make a political point. In contrast to legitimate visual aids, ‘stunts’ have a tendency to disrupt proceedings and may have a negative impact on the public’s perception of the House.

Examples

- 2.8 The display of the following articles has been ruled out of order:
- a handwritten sign containing an unparliamentary word displayed by a seated Member;¹⁹
 - placards and copies of newspaper advertisements displayed by seated Members;²⁰
 - scorecards held up following a Member's speech;²¹
 - petrol cans;²²
 - a weapon;²³
 - a toy chicken displayed by an Opposition Member while a Minister was giving an answer during Question Time;²⁴
 - a game board that a Member said was part of his speaking notes;²⁵
 - the playing of a tape recorder;²⁶
 - a large cardboard cut-out carried into the Chamber and displayed by a Member while another Member had the call;²⁷ and
 - an oversized chart, the display of which required assistance from other Members.²⁸

19 This ruling was made in 1980 (H.R. Deb. (21.8.1980) 582). Since then the Chair has more than once ruled that the displaying of signs was not permitted (see, for example: H.R. Deb. (6.9.1983) 435; H.R. Deb. (19.3.1985) 466). *H.R. Practice*, p. 493.

20 H.R. Deb. (15.6.2006) 71; H.R. Deb. (8.8.2006) 2.

21 H.R. Deb. (13.11.1986) 3036–7.

22 H.R. Deb. (16.5.1985) 2547.

23 *May*, p. 444. A similar view has been taken in the House, private ruling by Speaker Halverson. However, deactivated land mines have been displayed, H.R. Deb. (25.11.1998) 653.

24 H.R. Deb. (9.8.2006) 69–70.

25 H.R. Deb. (25.5.2005) 84.

26 H.R. Deb. (13.11.1974) 3503.

27 H.R. Deb. (22.2.2008) 1282.

28 H.R. Deb. (28.5.2009) 49–50.

The Chair's dilemma

- 2.9 There is no precise demarcation between legitimate visual aids and stunts. What might be considered perfectly legitimate in one context could be inflammatory in another. For instance, the display of an article may appear legitimate in isolation (for example, a photograph) but when seen in context (for example, as part of a lengthy series of photographs on the same matter) may appear to be a stunt.²⁹ Or an article displayed in a full Chamber during Question Time may be more inflammatory than the same article displayed during debate on an uncontroversial bill.
- 2.10 These contextual factors may complicate the Chair's role in differentiating between different categories of articles. Successive Speakers have sought to make rulings in these difficult circumstances, with the aim of ensuring the proper functioning of the House. The result has been the development of practices that lay out a sound foundation in relation to the display of articles.

Significant rulings

House of Commons

- 2.11 Before examining significant rulings of Speakers of the Australian House of Representatives, it is important to note that Australian practice derives from that of the United Kingdom's House of Commons. In the House of Commons, Members have been permitted to display articles to illustrate an argument in a speech.³⁰
- 2.12 The House of Commons Speaker has said, however:
- ... all Members should be sufficiently articulate to express what they want to say without diagrams.³¹

29 Members have, from time to time, been cautioned on their 'excessive' use of props. For example: H.R. Deb (18.2.2008) 511; H.R. Deb. (25.5.2009) 28.

30 *May*, p. 444. Weapons, however, are not permitted to be displayed. A similar view has been taken in the House; however, deactivated land mines have been displayed, H.R. Deb. (25.11.1998) 653.

31 *May*, p. 444.

House of Representatives

- 2.13 As noted above, the practice relating to the display of articles by Members in the Australian House of Representatives has evolved over time, with numerous rulings made by successive Speakers. Table 2.1 summarises rulings made by Speakers over the years. Many rulings simply reinforce previous rulings and established practice, and are therefore not listed in Table 2.1.
- 2.14 *House of Representatives Practice* provides some guidance:
- Members have been permitted to display articles to illustrate speeches. The Chair has been of the opinion that unless the matter in question had some relation to disloyalty or was against the standing orders the Chair was not in a position to act but hoped that Members would use some judgment and responsibility in their actions. However, the general attitude from the Chair has been that visual props are “tolerated but not encouraged”.³²
- 2.15 It has also been considered that a Member with the call could make a passing reference to a displayed article or object, but that Members without the call could not.³³
- 2.16 Throughout the 42nd Parliament, the Speaker has reaffirmed the view of props being ‘tolerated but not encouraged’.³⁴ He has also referred to Members needing to have the call before they may display articles.³⁵

32 *H.R. Practice*, p. 493.

33 H.R. Deb. (15.6.2006) 71.

34 For example: H.R. Deb. (21.2.2008) 1086; H.R. Deb. (28.5.2008) 3544.

35 For example: H.R. Deb. (27.5.2009) 4504–5.

Table 2.1 Speakers' rulings relating to the display of articles

Speaker	Date	Ruling
Temp. Chair Haworth	17/9/1964	Photographs may be displayed by a Member speaking and, by leave, incorporated into the <i>Hansard</i> . ³⁶
Aston	25/9/1970	Unless an article displayed by a Member has some relation to disloyalty or is against the standing orders, the Chair is not in a position to act, but would hope that Members would use some judgment and responsibility in their actions. ³⁷
Cope	13/7/1974	It is not in order to play a tape recording. ³⁸
Snedden	21/8/1980	It is not in order for a seated Member to display a sign containing unparliamentary language. ³⁹
H. A. Jenkins Sr	6/9/1983	Display of signs not permitted in the House. ⁴⁰
Andrew	20/6/2002	The use of diagrams is tolerated but not encouraged. ⁴¹
Hawker	15/6/2006	A Member with the call may make a passing reference to a displayed object or article. Members without the call may not do so. ⁴²
Hawker	9/8/2006	It is not in order for a Member to display an article while another Member is speaking. ⁴³
H. A. Jenkins Jr	21/2/2008 28/5/2008	The use of props is not encouraged but it is tolerated. ⁴⁴
H. A. Jenkins Jr	18/2/2008 25/5/2009	Use of props must not be excessive. ⁴⁵

Events of the week beginning 25 May 2009

2.17 During Question Time on Monday, 25 May 2009, the Minister for Infrastructure, Transport, Regional Development and Local Government displayed some photographs relating to infrastructure projects.⁴⁶ The Speaker allowed these photographs to be displayed, but said:

I caution the minister on the overuse of props.⁴⁷

36 H.R. Deb. (17.9.1964) 1283–5.

37 H.R. Deb. (25.9.1970) 1698.

38 H.R. Deb. (13.11.1974) 3503.

39 H.R. Deb. (21.8.1980) 582.

40 H.R. Deb. (9.8.1983) 435.

41 H.R. Deb. (20.6.2002) 4065.

42 H.R. Deb. (15.6.2006) 71.

43 H.R. Deb. (9.8.2006) 69–70.

44 H.R. Deb. (21.2.2008) 1086; H.R. Deb. (28.5.2008) 3544.

45 H.R. Deb. (18.2.2008) 511; H.R. Deb. (25.5.2009) 28.

46 H. R. Deb. (25.5.2009) 4073–4.

47 H. R. Deb. (25.5.2009) 4073.

- 2.18 While answering a question without notice the following day, the Prime Minister displayed photographs relating to infrastructure projects.⁴⁸ Members of the Opposition sought to raise three points of order, but the Speaker said the following in response:

The SPEAKER – From time to time Speakers have ruled the use of props in order if they are used incidentally to the question.

Opposition members interjecting –

The SPEAKER – Order! This is an opportunity for me to indicate, when I hear the interjection ‘use of a PowerPoint’, that it would be a wonderful thing if this chamber was so mature that it could actually use things like PowerPoint and photos and that was enabled for everybody. But I think that one of the problems is that, again, we have this insider’s view of the way in which the chamber operates. We do not often reflect upon how we are looked upon from outside. I will watch carefully the use of these props, but to say that they have been blanketly banned is an incorrect observation of the way in which this place has operated.⁴⁹

At one point, while the Prime Minister was displaying a photograph, the Speaker also commented:

The SPEAKER – Prime Minister, I think that members have the picture.⁵⁰

- 2.19 During an answer to a question without notice on 27 May, the Prime Minister displayed (and subsequently tabled) a number of folders containing details of infrastructure projects.⁵¹ An Opposition Member sought to raise two points of order, and the Speaker responded:

The SPEAKER – ...I just wish to respond to the point of order raised by the member for Warringah. In doing so, I refer to a ruling of the Speaker back on 15 June 2006:

Whilst a member with the call may make a passing reference to a displayed object or article, members without the call may not do so and will be dealt with accordingly.

That is the only thing that I am attempting to apply with regard to those that are displaying signs.⁵²

48 H. R. Deb. (26.5.2009) 4261–3.

49 H. R. Deb. (26.5.2009) 4262.

50 H. R. Deb. (26.5.2009) 4263.

51 H. R. Deb. (27.5.2009) 4504–5.

52 H. R. Deb. (27.5.2009) 4504–5.

2.20 Later that day during Question Time, an Opposition Member, while asking a question without notice, was permitted to display a depiction of an oversized credit card.⁵³

2.21 On 28 May, while asking a question without notice, an Opposition Member sought to display a multi-page chart so large that it required the assistance of other Members to hold it up.⁵⁴ The Speaker ruled that the display of the article was not in order:

The SPEAKER— ... I am ruling it out of order because ... inviting other members to assist him with a prop, is a blatant —

...

The SPEAKER— ... If we had been presented with each of those frames individually, there would have been no complaint.⁵⁵

The Member subsequently asked the question again while displaying each frame of the chart individually.

Summary of current practice

2.22 Rulings made by successive Speakers, together with years of accumulated practice, allow the following summary of House practice:

- the display of articles to illustrate a speech is tolerated but not encouraged;
- a Member must have the call in order to display an article;
- the article must not contravene the standing orders or contain unparliamentary language; and
- a Member's use of articles must not be excessive.

53 H. R. Deb. (27.5.2009) 4506.

54 H. R. Deb. (28.5.2009) 4761.

55 H. R. Deb. (28.5.2009) 4761.

Committee conclusions

- 3.1 Having considered rulings made by successive Speakers in relation to Members displaying articles to illustrate their speeches, the Committee considers the current practice of the House of Representatives is well-established and has a sound basis. The Committee's analysis suggests that successive Chairs have enforced the practice of the House, ensuring consistency.
- 3.2 'Stunts' staged by both sides of the House over the years overstep what many members of the public would consider appropriate behaviour. Moreover, such stunts clearly contravene the rulings of successive Speakers and are in breach of the established practice of the House.

Events of the week of 25 May 2009

- 3.3 The Committee notes that the events of the week beginning 25 May 2009 received considerable attention from the media and may have had an adverse impact on the public perception of the House. Notwithstanding, it is clear that the Speaker's rulings were consistent with the established practice of the House.

Future inquiry

- 3.4 The public's engagement with the Parliament has changed over recent years, partly due to changes in technology, with consequential implications for the way the House of Representatives presents itself and interacts with the public. There may be scope for the House to take advantage of new technologies and this may necessitate adjustments in the way the House conducts its business. However, such considerations are not for the Committee on this occasion.

Julie Owens MP
Chair
September 2009