

Take off those Olympic mittens, but the goldfish bowl is in order: Props, exhibits and displays in parliaments

Maintaining order is an important part of the Speaker's responsibility in parliament. In order to protect speech within a chamber, Speakers have long referred to written and unwritten rules and precedents which have limited non-verbal expression to communicate a message – namely props, decorations, displays, exhibits, and certain clothing. However, Speakers in different jurisdictions have opted to make some allowances provided these items do not fundamentally alter the desired decorum. In this article, the author traces the history of such rulings, beginning in Westminster, before surveying Canada's federal, provincial and territorial parliaments. He concludes by highlighting practices in Australia and New Zealand. The author would like to thank the Association of Parliamentary Libraries in Canada for conducting a survey of Canadian jurisdictions for this paper. He is also grateful for the research assistance provided by the Ontario Legislative Library.

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The Speaker's role in parliament and legislative assemblies is to maintain order, relying on precedents and procedures to promote the dignity of the chamber during proceedings. Westminster is commonly referred to as the fount of democracy and mother of parliaments—the origin of ancient parliamentary traditions and precedents.

The use of exhibits, props, and displays by Members during debates is a long-standing but controversial practice that has been frowned on by Westminster-style legislatures over the years. Today, in the era of legislative broadcasts and social media, the benefit of visual exhibits during debates has an enhanced appeal. This article addresses parliamentary precedents and Speakers' rulings restricting the use of exhibits at Westminster, as well as in legislatures across Canada, and in Australia and New Zealand.

Westminster – The First Parliament

The first parliament was established in England in 1265 with the election of representatives. This fledgling institution was to become the United Kingdom's modern House of Commons. The term "parliament" refers to "an enlarged meeting of the King's council, attended by barons, bishops and prominent royal servants, called together to attend the King, advise him on law-making and administrative matters and hear and assist with his judicial decisions."¹ During the thirteenth century, the Palace of Westminster became the formal meeting place of the English Parliament.²

The endurance of this ancient parliament and similar bodies in countries throughout the Commonwealth is a testament to the principle of free speech in open debate enshrined in the United Kingdom's *Bill of Rights* in 1689. This legislation set out "That the Freedom of Speech and Debates or Proceedings in Parlyament ought not to be impeached or questioned in any Court or Place out of Parlyament." It has endured in part due to Speaker's rulings establishing decorum-based rules of free debate. This freedom is held to be the most important parliamentary privilege and the cornerstone of parliamentary democracy.³ Speaker's rulings limiting the use of exhibits and props are not seen as impinging on freedom of speech in debate.

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Speaker's Procession, 1884 by Francis Wilfred Lawson. Courtesy of the Parliamentary Art Collection, House of Commons, Westminster, U.K.

The Speaker's 1952 Ruling

In 1952, Speaker Morrison ruled that exhibits ancillary to a debate—intended for illustrative purposes—are not permitted in the House. Accordingly, he found that

an hon. Member is quite in order in bringing into the Chamber any books or papers which he may require to consult or to refer to in the course of debate; but with the exception of Ministers, whose despatch cases and official wallets are under a special dispensation, despatch cases should not be brought in.⁴

In addition to despatch cases, the Speaker noted that prohibited exhibits included weapons, decorations, sticks and umbrellas. A restriction on ladies' handbags, however, was deemed unreasonable.⁵

In making this ruling, the Speaker explained that it was based on "usage," rather than written precedent:

There is nothing to be found in writing on this subject. It is all governed by the ancient usage of the House, and according to that usage there are certain articles which it is out of order for hon. Members to bring into the Chamber.⁶

At that time, reference was made to "a very old precedent going back to the time of Mr. Burke for the introduction of exhibits into the House;" however, the publisher of *Parliamentary Practice* advises that "there is no extant evidence of any ruling prior to that date [1952] other than Speaker Morrison's assertion that it had long been accepted practice."⁷ As the publisher notes, records of debate, verbatim or otherwise, during [MP] Edmund Burke's time in the House [1765-1794] are of course extremely scant.⁸

Modern Practice

Proceedings in the House in the 21st century are influenced by the rise of a new style of political communication that favours images, branding and marketing, largely through social media. The advent of televised broadcasts of the House has had an impact on framing the political discourse given the 24/7 exposure to the public.

Members of the House of Commons today are subject to the *Rules of behaviour and courtesies in the House of Commons* (2018) and the *Members Handbook* (2010). The *Rules of behaviour and courtesies in the House of Commons* is a guidance document to maintain decorum during the proceedings in the Chamber of the House of Commons and Westminster Hall.⁹ The 2019 edition of *Parliamentary Practice* addresses the use of articles to illustrate speeches. It restates interesting points addressed previously in *Hansard*, specifically that Members should not require an exhibit to present their position during a debate, and second, that such items cannot be recorded by *Hansard*:

The rules of the House of Commons forbid bringing certain articles, notably weapons, into the Chamber. Members have been permitted to display articles (but not weapons) to illustrate an argument in a speech, but the Speaker has said that all Members should be sufficiently articulate to express what they want to say without diagrams and the same principle applies to articles. It is relevant that an article or diagram cannot be effectively recorded in the Official Report.¹⁰

Erskine May's section on the *Rules of Behaviour for Members in the Chamber* addresses the prohibition on the reading of books, newspapers or letters not related to the debate, and the preparation of correspondence. Further guidelines set out in *Parliamentary Practice* prescribe the limited use of electronic devices, phones, and cameras and the required dress code for business attire.¹¹ "Wearing scarves, T-shirts, or large badges displaying brand names or slogans, or other forms of advertising of either commercial or non-commercial causes, is not in order. The tradition of the House is that decorations (medals, etc.) of any kind and uniforms are not worn in the Chamber."¹²

Changes governing conduct have been introduced over time and become settled practices through various initiatives. As noted in the 2009 Report of the Select Committee on Reform of the House of Commons what

constitutes acceptable conduct and deportment on the part of Members is evolutionary.¹³

Canada

The federal Parliament and provincial legislatures were asked for information on Speaker's rulings and precedents pertaining to the use of exhibits by Members.

In general, the responses we received indicated that Speakers across Canada are guided by the *House of Commons Procedure and Practice*. In particular, responses cited the chapter on *Rules of Order and Decorum*, which makes reference to precedents on the use of "displays, exhibits and props," and on Members' attire while in the Chamber:

Speakers have consistently ruled that visual displays or demonstrations of any kind used by Members to illustrate their remarks or emphasize their positions are out of order. Similarly, props of any kind have always been found to be unacceptable in the Chamber. Members may hold notes in their hands, but they will be interrupted and reprimanded by the Speaker if they use papers, documents or other objects to illustrate their remarks. Exhibits have also been ruled inadmissible.¹⁴

Political buttons and lapel pins are not considered to be exhibits; however, Speakers have on occasion requested that they be removed.

House of Commons

Props, displays, or exhibits are not addressed in the *Standing Orders of the House of Commons*. According to the *House of Commons Procedure and Practice* (Third Edition, 2017) their use in the Chamber has been ruled to be unacceptable by Speakers, as noted in the chapter entitled *Rules of Order and Decorum - Manner of Speaking*.

There are numerous examples of Speakers' rulings on this issue. In 2009 the Speaker asked Members, who were wearing mittens in support of athletes participating in the winter Olympics, to "show proper restraint." In 2000 the Deputy Speaker ruled against a Member holding a sign with a message during a vote. The display of various flag designs in the House during the "Flag Debate" in 1964 was ruled out of order. Other examples of restricted items that were deemed to be "exhibits" included a detergent

box, grain, and a petition in the form of a birthday card. The *Standing Orders* do not prescribe a dress code for Members; nevertheless, Speakers have ruled that Members desiring to be recognized must wear contemporary business attire.

British Columbia

The *Members' Guide to Policy and Resources* instructs Members not to use displays or props or wear certain attire. These prohibitions are not addressed in the *Standing Orders*. Over the years, MLAs have been reminded that such items, including an apple and construction footwear, are not allowed.

Alberta

Speakers' rulings, based largely on the *House of Commons Procedure and Practice*, have consistently indicated that props are out of order in the House. Although exhibits are not permitted under *Standing Order 37(4)*, there have been occasions when they were introduced during debates. Items ruled to be unacceptable include a piece of the Calgary LRT track and a sample of tar sand. The definition of a prop has been extended to include certain items of clothing.

Saskatchewan

Saskatchewan's *Rules and Procedures of the Legislative Assembly* state that exhibits of a non-parliamentary nature are prohibited on Members' desks or in the Chamber, and provide that Members must be dressed in business attire or ethnic dress. Further, when a motion is under discussion, Members may not use any display, prop, demonstration, or exhibit of any kind to illustrate their remarks. The Speaker has reminded Members of the long-standing rule against the use of props and exhibits, citing the *House of Commons Procedure and Practice*. Over the years, the Speaker has asked that various props be removed, which have included a container of soil, and responses from a questionnaire.

Manitoba

The restrictions on props in the Manitoba Chamber are based on Speakers' rulings rather than specific procedural rules. The focus has been on limiting any item that may contribute to a disruption of proceedings. The Speaker has ruled that objects that could be used as props should be placed in Members' desks or on the Chamber floor. The Speaker has cited the *Rules and Forms of the House of Commons of Canada* as the basis

for exempting political buttons and similar lapel pins from the general prohibition; however, badges with a protest intent are not permitted. Speakers have ruled that Members are required to wear contemporary business attire, although the matter is not addressed in the *Standing Orders*.

Ontario

The 2019 edition of *Rules of Respect and Courtesy in the Chamber* addresses the restrictions placed on the use of props in the Legislative Assembly, while the *Procedural Handbook for Members* sets out the expectations on general conduct.

Props are prohibited. For example, a Member holding an item and placing it on a desk would be construed as attempting to convey a silent message supplementing the Member's speech. An exception to this convention would be permitted with the prior unanimous consent of the House. Members are expected to wear business attire with the prohibition on props extending to clothing. Unanimous consent is required to wear such clothing as t-shirts, ribbons, and pins that are seen to make a deliberate statement. Electronic devices, including cellular telephones and portable computers, are allowed if used unobtrusively.

The Speaker has ruled against the use of props, including score cards, items to highlight global warming (i.e., a thermometer, coal), an Ottawa Senators shirt, signage (e.g., "Call Police" and "Change for the Better"), Halloween treat bags, a copy of a personalized licence plate, fruit on Lyme Disease Awareness Day, a carbon tax sticker, an organ donation registration form, and images to depict government waste.

Québec

Parliamentary Procedure in Québec sets out the rules of conduct for Members in the National Assembly. The protocol on use of exhibits and props has caveats that are explained in the Section "Order and Decorum," as follows:

When addressing the Assembly, Members may use pictures, photos or other objects to illustrate their point, as long as certain rules are respected. Exhibiting objects of any kind used to be prohibited during Question Period, since the President [Speaker] felt doing so might provoke a debate, and debates are not permitted during that stage of the proceedings. Members

were nevertheless allowed to use visual aids in certain instances, but the President emphasized this was not a right but a privilege granted on a case-by-case basis. The situation has evolved and the President may now allow Members to use pictures to illustrate their comments even during Question Period, provided they do not do so excessively. Other types of objects may or may not be permitted, depending on the circumstances. The President has allowed a Member to show photos that were directly related to a bill being studied, but denied permission to a Member who wished to display a photo of another Member.¹⁵

The President [Speaker] has stated that wearing a badge or a pin is an established democratic tradition in Québec, allowing Members to indicate support for a cause or a social, humanitarian or political movement which falls within freedom of expression. The President has ruled that the *Standing Orders* ensure respect for order and decorum. “Educational boards” are allowed for illustrative purposes while photographs are not permitted.

While buttons and pins are allowed, Members are not permitted to wear clothing or accessories in support of a given cause, which could constitute a breach of decorum or encroach on freedom of expression. The Members’ dress code requires “business casual” attire.

New Brunswick

Although not addressed in the *Standing Orders*, precedent has established that the use of props, displays or exhibits is not permitted in the New Brunswick legislature. During a recent debate, a Member who held documents while speaking was asked to table them with the Speaker, reminding the House that props are not permitted. The restrictions on exhibits has also been applied to clothing.

Prince Edward Island

“Institutional custom” has established that Members may not use props, exhibits, or displays during proceedings of the House. The Speaker has not had to rule on this matter.

Members are expected to comply with the business attire dress code convention. To date there have been no instances of clothing/costumes being ruled out of order in the Chamber. On one occasion, a request to wear hockey jerseys for commemorative purposes was

denied. Traditional clothing has been permitted in the form of kilts, tartan scarfs, and Scottish regalia to celebrate Tartan Day. Members may wear lapel pins commemorating various causes and occasions.

Nova Scotia

The use of props and exhibits is not addressed in Nova Scotia’s *Rules and Forms of Procedure of the House Assembly* or the *Members’ Manual*. Although there are no recorded rulings on the matter, it is an established convention that exhibits are not permitted in the House. *Hansard* has reported acknowledgements on the requirement to wear contemporary business attire.

Newfoundland and Labrador

The *Standing Orders* do not address the use of props. As a matter of convention, the House of Assembly refers to the *House of Commons Procedure and Practice*, and in particular, the rules on decorum, which stipulate that props are unacceptable in the Chamber. The *Members’ Parliamentary Guide* (2019) also states that “Members may not use displays or props to illustrate their remarks.” Speakers’ rulings have disallowed props such as an oversized calculator, a fish (on behalf of the fishing industry), a bottle of water, and lapel buttons promoting a cause or conveying a message. The Speaker has not ruled on Members’ attire.

Northwest Territories

The *Rules of the Legislative Assembly of the Northwest Territories* (2019) prohibit the use of a display, prop, demonstration, or exhibit for illustrative purposes. The Speaker has reminded Members to dress appropriately, permitting traditional aboriginal clothing. On one occasion, a Member commented that a Member wearing a Dene jacket should show respect for both the assembly and the occasion, and the Dene tradition. The Speaker opined that corrective action should be taken to respect the general public and aboriginal people. The Speaker requested that the Member remove his cartoon-inspired tie while wearing a Dene jacket.

Nunavut

The Legislative Assembly has not explicitly codified rules on the use of props, displays or exhibits; however, the Speaker has discouraged their use. Two notable examples of props being ruled out-of-order involved a container of contaminated drinking water and fouled spark plugs. Members, government

officials, and attending witnesses generally comply with the business attire requirement.

Yukon

The Legislative Assembly's *Standing Orders* are silent on the use of props, displays, and exhibits; however, there are guiding practices and precedents, as well as Speakers' rulings and statements on the subject. Examples of items ruled out-of-order include the following:

- when a member sent a phone book to the Premier to assist in the selection of individuals for a government-appointed board, the Speaker instructed the attending Page not to deliver the item; and
- the Yukon Legislative Assembly lapel pins and road fragments from the Dawson Dome Road were ruled not to be "documents," and therefore could not be placed with the Assembly's working papers.

An exception was made for a First Nations MLA to hold an eagle feather when speaking in the Legislative Assembly. On another occasion the Speaker did not rule as out-of-order the tabling of a goldfish as a gift for the Minister of Renewable Resources.

Although concern has been expressed by Speakers on the matter of Members' attire, to date clothing items have not been ruled out-of-order. In 2019 the Speaker granted a request for unanimous consent for Members to be permitted to wear denim in the House, to mark Denim Day.

Australia and New Zealand

The Australian Parliament's *House of Representative Practice* addresses the incorporation of *unread material* into *Hansard*:

The modern practice of the House on the incorporation of other material, defined by successive Speakers in statements on the practice, is based on the premise that *Hansard*, as an accurate as possible a record of what is said in the House, should not incorporate unspoken material other than items such as tables which need to be available in visual form for comprehension.¹⁶

The inclusion of unread matter is seen to compromise the integrity of the record of the proceedings and

departures from this rule are not regarded as precedent setting. The Chair's position remains that visual props are "tolerated but not encouraged." Items that have been permitted as legitimate visual aids during a speech include a flag, photographs and journals, plants, a gold nugget, and a silicon chip.¹⁷ Items that have been ruled out-of-order include placards and signs.

New Zealand's House of Representatives allows visual aids "to illustrate a point being made during the Member's speech, provided that the aid does not inconvenience other members or obstruct the proceedings of the House."¹⁸ Exhibits must be removed at the conclusion of the Member's comments.

Notes

- 1 Sir David Natzler and Mark Hutton (eds), *Erskine May, Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, (Twenty-fifth edition), 2019, p. 3.
- 2 *Ibid.*
- 3 *Ibid.*, pp. 242-244.
- 4 United Kingdom, Parliament, House of Commons Debates, *Hansard*, 9 April 1952.
- 5 *Ibid.*
- 6 *Ibid.*
- 7 Email from LNG-UK Group Companies (LexisNexis publisher of *Erskine May: Parliamentary Practice*, 2019), September 17, 2019.
- 8 *Ibid.*
- 9 Speaker and the Deputy Speakers, House of Commons, *Rules of behaviour and courtesies in the House of Commons* (November 2018), p. 1.
- 10 *Erskine May, Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, (Twenty-fifth edition), 2019, Chapter 21 (21.29), p. 501.
- 11 *Ibid.*, pp. 503 and 505.
- 12 Speaker and the Deputy Speakers, House of Commons, *Rules of behaviour and courtesies in the House of Commons* (November 2018), p. 10.
- 13 *Erskine May*, p. vii.
- 14 Marc Bosc and André Gagnon (eds), *House of Commons Procedure and Practice* (Third Edition), 2017, pp. 611 and 617-618.
- 15 Quebec, National Assembly, *Parliamentary Procedure in Québec*, Section: Order and Decorum, 2013, pp. 330-331.
- 16 Parliament of Australia, *House of Representative Practice*, Chapter 14 Control and Conduct of Debate.
- 17 *Ibid.*
- 18 New Zealand House of Representatives, *Standing Orders*, 2017.