

Westminster system and working with Ministers

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The Westminster system

Working with Ministers

When you work in the NSW government sector it is important to understand the system of government you are operating in.

The Westminster system is the basis of government in Australia, at the state, territory and federal level. It is based on the British model of responsible government.

You can find out more about the Westminster system, as well as information on working with Ministers on this page.

The Westminster system

Video embed:

[Understanding the Westminster system](#)

Under the Westminster system people who work for the public sector serve the people of their state, territory or country by implementing the government's policies, decisions and programs. This includes:

- understanding that Ministers and the Cabinet are responsible for deciding policy, and are free to accept or reject the advice of agencies
- accepting that although executives are under the direction of their secretary or agency head, they have a clear duty to respond promptly and professionally to Ministers' requests for advice or information
- providing advice to Ministers that is apolitical, 'frank and fearless' and non-partisan.

The Westminster system comprises of:

- a head of state - the King or their representative
- an elected parliament, made up of one or two houses
- a government formed by the political party or coalition that has majority support in the lower house of parliament
- a Prime Minister or Premier, who heads the government
- a ministry, drawn from members of parliament – usually members of the government – who exercise executive authority and are accountable to the parliament
- an independent judiciary
- an apolitical professional public sector that provides the government with impartial advice and implements the government's policies and programs.

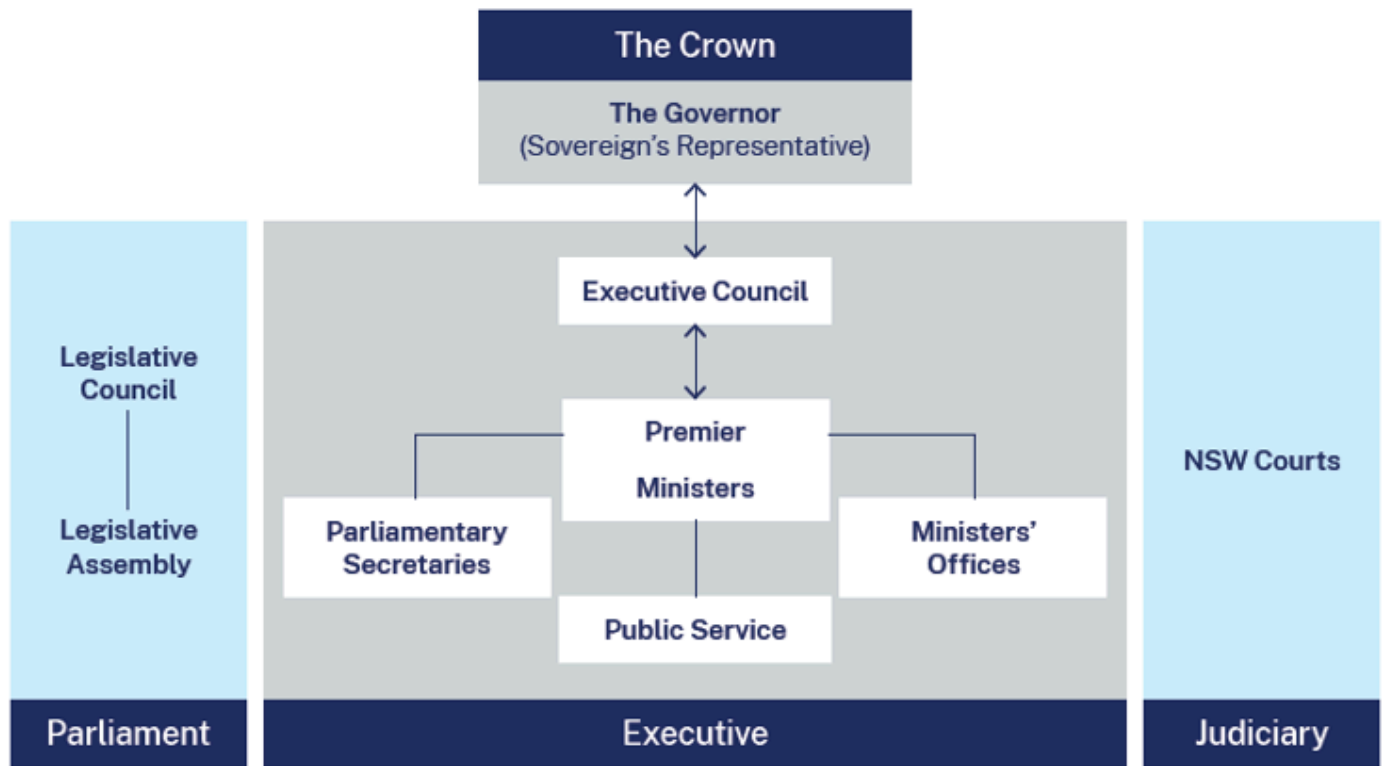
The separation of powers

At the heart of the Westminster System is the concept of the separation of powers between the 3 branches of government:

- The legislature: the Parliament, which makes the law.
- The executive: the Governor, Prime Minister/ Premier, Ministers, Departments and agencies, which implement the law.
- The judiciary: the courts that interprets and applies the laws made by the Parliament.

The separation of powers is one of the cornerstones of our democracy. In Australia's Westminster system of parliamentary democracy, the separation is not total because the executive is drawn from and accountable to the legislature.

Key bodies in the Westminster system in NSW



Text description



- The Crown contains the Governor (Sovereign representative) and links to 3 areas:
 - Parliament
 - Executive
 - Judiciary
- Parliament contains Legislative Council and Legislative Assembly (both link to one another)
- Executive contains a structure as follows:
 - Executive Council is the link to and from the Crown.
 - Executive Council also links to and from the Premier and Ministers.
 - Premier and Ministers link to 3 areas:
 - Parliamentary Secretaries
 - Public sector
 - Ministers' Officers
- Judiciary contains NSW Courts.

Parliament



The Parliament of New South Wales is the law-making body for the State of New South Wales, directly elected by the people to make state laws, control state finances, and discuss matters of importance to the people of New South Wales. It consists of two democratically elected Houses the Legislative Assembly (the Lower House) and the Legislative Council (the Upper House).

[Find out more about how Parliament works.](#)

The Governor and the Executive Council



The Governor is the formal head of state in New South Wales. The Governor is appointed by the King on the Premier's recommendation. The Governor has an important constitutional, ceremonial and community role in New South Wales.

The supreme executive authority in NSW is the Executive Council, consisting of the Ministers, presided over by the Governor. This is the formal, official arm of the Government, which gives legal authority to proclamations, regulations, appointments to the public service, judiciary, and other public positions such as officers of the Parliament, and commissions for officers of the Police Force.

[Find out more about the role of the Governor and Executive Council.](#)

Government of NSW



Parliamentary elections determine the government of NSW, which is formed by the party (or coalition of parties) with majority support in the Legislative Assembly. The leader of the Government becomes the Premier.

The Premier and Ministers (the Cabinet) develop policy and carry out the laws through government departments. They remain members of Parliament and are responsible to it.

Ministers bring their proposals to Cabinet, which then makes decisions that are collective, confidential and binding on Ministers.

Ministers



Under the **[Constitution Act 1902 \(NSW\)](#)** (the Constitution Act) the Premier and Ministers are appointed by the Governor. The Premier identifies and allocates the ministerial portfolios and recommends to the governor that the selected people be appointed.

Ministers decide on policy and are accountable to the Parliament for their decisions. One convention of the Westminster system is ministerial responsibility, whereby Ministers administer and bear responsibility for the actions of an agency within their control.

A Ministers' parliamentary duties include:

- answering questions from other members of parliament during question time in the Legislative Assembly or the Legislative Council
- responding to questions on notice from other members of parliament
- the passage of bills for which they are responsible through their house of the parliament
- appearing at budget estimates inquiries.
- providing government responses to recommendations of committee inquiries.

The Premier may appoint a Minister to help them or other Ministers carry out their responsibilities. This assistance may include receiving deputations, attending meetings and functions, and handling correspondence. The Governor commissions these appointments. All appointments to or changes to the ministry are published in the NSW Government Gazette on the day of approval.

Ministerial portfolios



The Constitution Act does not prescribe a minimum or maximum number of Ministers. The number of Ministers is determined by the Premier. If the number of portfolios the Government wishes to recognise is greater than the number of Ministers, some Ministers may be given more than one portfolio.

The Premier may change the titles and groupings of portfolios from time to time to emphasise policy initiatives or in response to community expectations or needs. These changes are known as machinery of government changes and they may have an impact on your work.

For more information on the Minister responsible for each piece of legislation, see the **[Allocation of the Administration of Acts](#)**.

Working with Ministers

Depending on your role, you may be required to support Ministers in the exercise of their parliamentary duties, including:

- preparing parliamentary briefing notes, or house folder notes, for the Minister concerning the functions of your Minister and agency in relation to matters which may be the subject of a question to your Minister during question time
- briefing your Minister in relation to responses to questions on notice
- supporting your Minister in relation to the passage of bills through the parliament

- preparing budget estimates notes for use by your Minister during budget estimates inquiries.

It is critical that accurate information is provided to the Minister, noting that Ministers must not mislead parliament.

When advice or information has been considered and a lawful decision made by the Minister or Cabinet, it is the responsibility of your agency to implement that decision diligently and professionally.

It is important to note that **Secretaries of Departments** and **heads of Public Service agencies** exercising their employer functions are not subject to the direction or control of a Minister.

Effectively advising Ministers' offices

When providing advice to the Ministers' office, you should outline pros and cons of each option under consideration and provide a recommendation.

Advice to Ministers' office should be:



Apolitical and non-partisan

Advice that is evidence-based, impartial, and places the **public interest over personal or political interest**.



Frank, honest and timely

Providing all the necessary, lawful, practical and evidence-based options for the Minister to make an informed decision. It should be consistent with the **Ethical framework**. You should be honest, transparent, accountable, courageous and innovative. The purpose of this advice is not to force the Minister to agree with the Department's or agency's recommended position, or to anticipate 'what the Minister wishes to hear'.

Promoting good relations through Departmental Liaison Officers (DLO)

It is also important to promote good relations with Ministers' office by carefully selecting and briefing DLOs. DLOs should be rotated on a regular basis.

Your Department or agency should keep regular close contact with DLOs and keep them up to date.

[Click here for the Premier's Department guidance on the assignment of DLOs to Minister's offices.](#)

Support when engaging with Ministers' offices

Senior managers play an important role in ensuring their employees have the right capabilities and support to work with ministerial staff.

As an employee, you must receive appropriate orientation, training and feedback. This will ensure you are clear on your role, responsibilities and boundaries.

Most training tends to be 'on the job'. You should be appropriately briefed on protocols for working with ministerial staff and the situations they may face. If you are experienced with engaging Minister's office, you should be invited to share your knowledge and insights, and to mentor new colleagues.

If you need to act as advisors in the Parliament, for example while legislation is being debated, you should be given the opportunity to observe proceedings beforehand with an experienced colleague.

Departments and agencies should clarify protocols for handling requests and remind employees to maintain good records of communication with Ministers' offices. Requests from ministerial staff should be in writing, or confirmed in a return email from the staff.

Establishing and documenting Ministers' expectations

Your Department or agency should establish and clearly document your Minister's expectations to reduce confusion and improve quality.

This can include:

The seniority of employees who can sign off on advice to the Minister. This may vary depending on the importance, complexity and sensitivity of the advice.

Key contacts and responsibilities in the Department or agency, including the need for a Departmental Liaison Officer.

The process for requests for information, briefings or advice. This includes when these documents should be provided, the agreed channel and the required sign-offs.

The Minister's preferred style for briefings and correspondence.

Handling and sign-off rules for Ministerial correspondence.

Key dates, including agreed regular meetings between the Minister's office and the Department or agency.

Arrangements for managing relationships with other Ministers with responsibilities for the functions of the Department or agency.

Copies of the Ethical framework.

Restrictions on providing advice during the caretaker period

During elections, the caretaker period is from the dissolution of the Legislative Assembly until the election result is clear (if the current Government is returned) or the new Premier is commissioned to form Government (if there is a change of Government).

Ministers' offices should not request Departments and agencies to provide policy advice during the caretaker period. However, Ministers may continue to ask Departments and agencies for factual information and material about normal day-to-day business of government. Managers need to ensure that employees engaged with the Minister's office are fully aware of, and comply with, the caretaker conventions and practices.

Caretaker conventions also require that the government avoids significant new decisions or initiatives, appointments, or major contractual undertakings (excluding routine government business) during the caretaker period.

[Check out more information about elections and caretaker conventions.](#)