

GOVERNMENT IN NEW SOUTH WALES

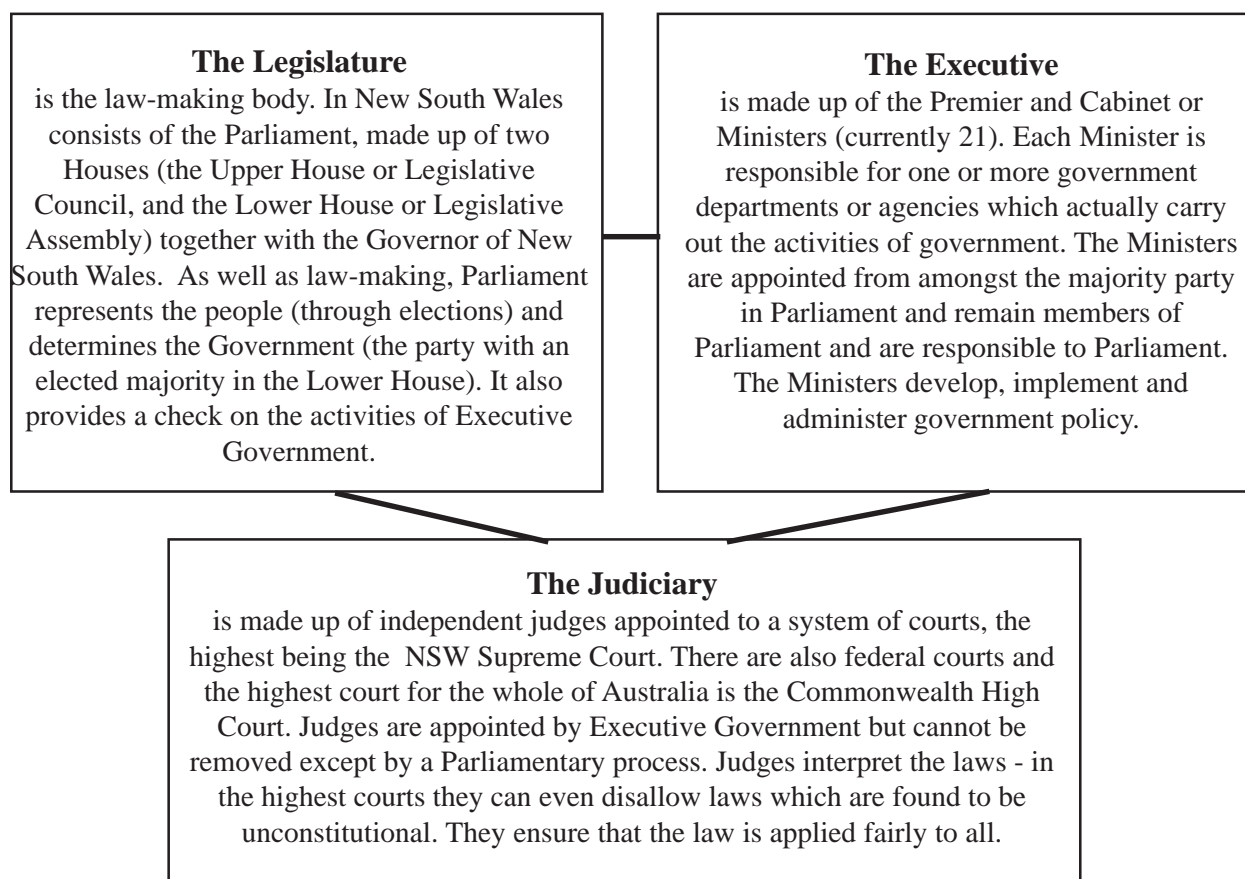
What is ‘the Government’?

When we talk of ‘government’ we often mean all sorts of different things at once. Mostly, we mean the group that actually governs – that is, develops policy, makes decisions, controls government departments and agencies day to day. This is the **Executive**, or, in Australia, the **Cabinet** or **Ministry**.

In Australia and other **Westminster** style governments, the **majority party in the lower house** of the Parliament (in New South Wales this is the Legislative Assembly) **forms ‘the government’**. The members of that party sit in the Chamber to the right of the Speaker and are referred to in parliament as ‘the government’. Leading members of the majority party become the **Ministers**, the chief minister in the state being called ‘the Premier’. Ministers remain members of the Parliament. This group collectively and individually is responsible for government policy and actions. *They govern, so they effectively are ‘the government’*.

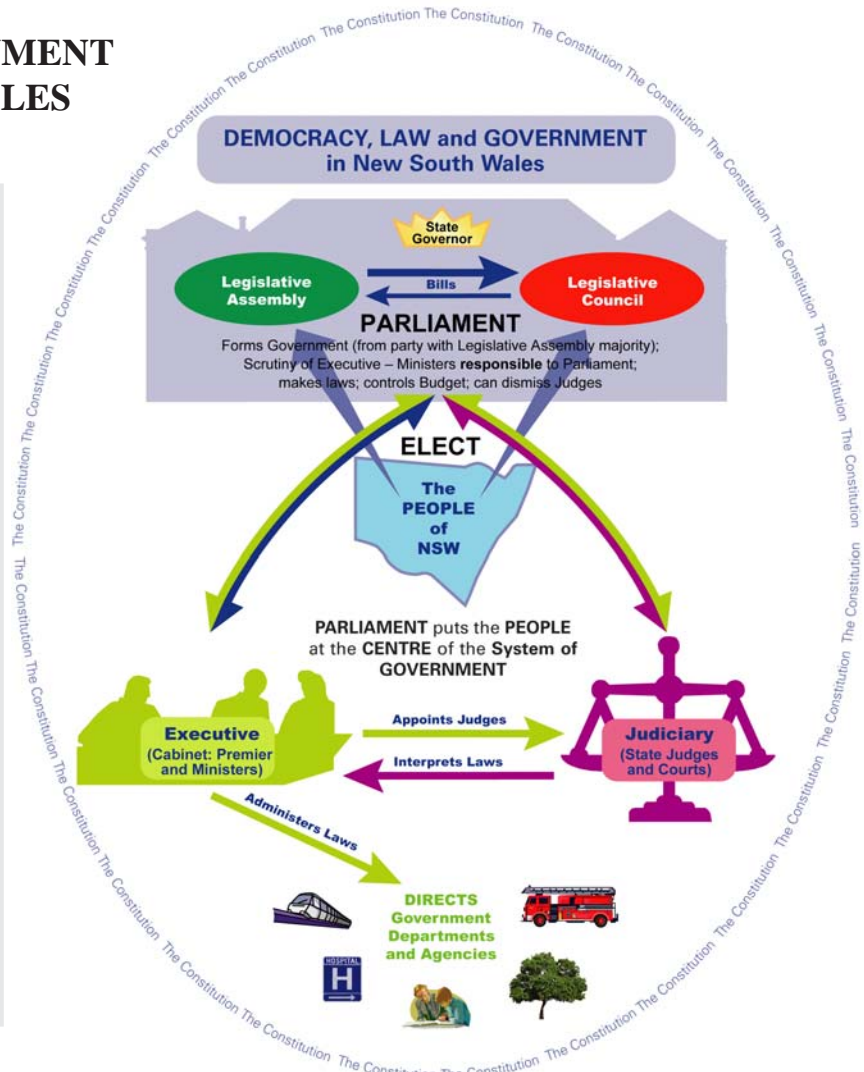
The Structure of Government in New South Wales

There are three main branches or elements of government: **legislative**, **executive** and **judiciary**. Each has its own powers and responsibilities and each, to some extent, is separate from the other. But each also has some power or authority over the others. No one branch can control all power in a democratic system. This is referred to as the **Separation of Powers**. The powers and roles of the institutions of government for New South Wales are set out in the **The Constitution Act 1902**. A diagrammatic representation of the system and its inter-relationships appears on page 2.



SYSTEM OF GOVERNMENT IN NEW SOUTH WALES

The Constitution of New South Wales is the framework of law in the state. It sets out the broad powers and rules under which the houses of parliament, Governor, executive government, judiciary, finances, government agencies and local government can operate. It is an Act of Parliament introduced in 1902 after Federation, and followed on from several earlier Acts. It has been amended many times since. Most of it can be changed by an ordinary amendment Act in Parliament, although some sections, including those relating to major changes to the Legislative Council, can only be amended through a **referendum** of NSW voters.



The Role of the Governor

The earliest Governors of New South Wales had almost total power, under the authority of a British Government. However, with the development of representative and responsible self-government in NSW, most of the Governor's powers were taken over by the elected Government and Parliament. Today, the Governor remains part of the Executive and Legislature of the State, but, almost always acts according to the advice given to them by the Government or Parliament.

The Governor of New South Wales:

- Represents the Crown in NSW and is appointed by the Sovereign on the Premier's recommendation;
- Has Constitutional roles, such as:
 - Appointing Premier and Ministry from the party with majority political support in the Legislative Assembly to form a Government (normally after an election);
 - Presiding over the Executive Council;
 - Determining dates of Parliamentary sessions and elections;
 - Assenting to Bills passed by Parliament, making them Laws;
 - Proclaiming Regulations made under Acts of Parliament;
 - Formally appointing or dismissing public servants;
- Normally acts on the advice of Government but constitutional conventions do allow the Governor to take independent action under some circumstances;
- Has ceremonial roles, such as representing NSW at special occasions like ceremonies or visits by foreign heads of state;
- Has community roles. patron to many community organisations and charities; visits and supports worthwhile community activities; presents awards and recognition to people for special service.

