

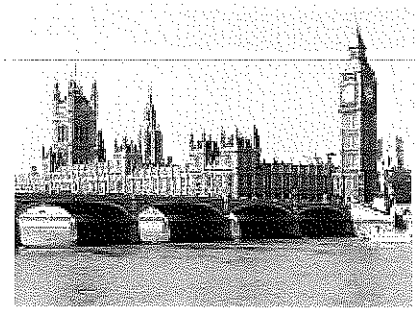
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Westminster system

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The **Westminster system** is a democratic parliamentary system of government modelled after the politics of the United Kingdom. This term comes from the Palace of Westminster, the seat of the Parliament of the United Kingdom.

The system is a series of procedures for operating a legislature. It is used, or was once used, in the national legislatures and subnational legislatures of most Commonwealth and ex-Commonwealth nations upon being granted responsible government, beginning with the first of the Canadian provinces in 1848 and the six Australian colonies between 1855 and 1890. However some former colonies (e.g. Nigeria) have adopted the presidential system as their form of government.



The Houses of Parliament are situated within the Palace of Westminster, in London.

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Key characteristics

Important features of the Westminster system include the following, although not every Westminster-derived system includes all of the following aspects:

- a sovereign or head of state who functions as the nominal or legal and constitutional holder of executive power, and holds numerous reserve powers, but whose daily duties mainly consist of performing ceremonial functions. Examples include Queen Elizabeth II, the Governors-General in independent Commonwealth countries, or the presidents of many countries and state/provincial governors in republican federal systems.
- a head of government (or head of the executive), known as the prime minister (PM), premier or first minister. While the head of state appoints the head of government, constitutional convention suggests that a majority of elected Members of Parliament must support the person appointed.^[1] If more than half of elected parliamentarians belong to the same political party, then the parliamentary leader of that party person typically gets appointed.^[1]
- a *de facto* executive branch usually made up of members of the legislature with the senior members of the executive in a cabinet led by the head of government; such members execute executive authority on behalf of the nominal or theoretical executive authority.
- an independent civil service which advises on, and implements, decisions of those ministers. Civil servants hold permanent appointments and can expect merit-based selection processes and continuity of employment when governments change.^[2]
- a parliamentary opposition (in a multi-party system)
- a legislature, often bicameral, with at least one elected house is elected - although unicameral systems also exist; legislative members are usually elected by district in first-past-the-post elections (as opposed to country-wide proportional representation). Exceptions to this include New Zealand, which changed in 1993 to use mixed-member proportional representation; Israel, which has always used country wide proportional representation; and Australia, which uses preferential voting.
- a lower house of parliament with an ability to dismiss a government by "withholding (or blocking) Supply" (rejecting a budget), passing a motion of no confidence, or defeating a confidence motion. The Westminster system enables a government to be defeated or forced into a general election independently of a new government being chosen.
- a parliament which can be dissolved and elections called at any time.
- parliamentary privilege, which allows the legislature to discuss any issue it deems relevant, without fear of consequences stemming from defamatory statements or records thereof
- minutes of meetings, often known as Hansard, including an ability for the legislature to strike discussion from these minutes

Most of the procedures of the Westminster system originated with the conventions, practices and precedents of the Parliament of the United Kingdom, which form a part of what is known as the Constitution of the United Kingdom. Unlike the uncodified British constitution, most countries that use the Westminster system have codified the system in a written constitution.

However, uncodified conventions, practices and precedents continue to play a significant role in most countries, as many constitutions do not specify important elements of procedure: for example, some older constitutions using the Westminster system do not mention the existence of the cabinet and/or the prime minister, because these offices were taken for granted by the authors of these constitutions. Sometimes these conventions, reserve powers and other influences collide in times of crisis, and in such times the weaknesses of the unwritten aspects of the Westminster system, as well as the strengths of the Westminster system's flexibility, are put to the test. As an illustrative example, in the Australian constitutional crises of 1975 the Governor-General of Australia, Sir John Kerr, dismissed Prime Minister Gough Whitlam on his own reserve-power authority and replaced him with Opposition Leader Malcolm Fraser.

Operation

The pattern of executive functions within a Westminster System is quite complex. In essence, the head of state, usually a monarch or president, is a ceremonial figurehead who is the theoretical, nominal or *de jure* source of executive power within the system. In practice, such a figure does not actively exercise executive powers, even though executive authority may be exercised in his/her name.

The head of government, usually called the prime minister or premier, will ideally have the support of a majority in the responsible house, and must in any case be able to ensure the existence of no absolute majority against the government. If the parliament passes a resolution of no confidence, or refuses to pass an important bill such as the budget, then the government must either resign so that a different government can be appointed or seek a parliamentary dissolution so that new general elections may be held in order to re-confirm or deny the government's mandate.

Executive authority within a Westminster System is essentially exercised by the Cabinet, along with more junior ministers, although the head of government usually has the dominant role within the ministry. In the United Kingdom, the sovereign theoretically holds executive authority, even though the Prime Minister of the United Kingdom and the Cabinet effectively implement executive powers. In a parliamentary republic like India, the President is the *de jure* executive, even though executive powers are essentially instituted by the Prime Minister of India and the Council of Ministers.

As an example, the Prime Minister and Cabinet (as the *de facto* executive body in the system) generally must seek the permission of the head of state when carrying out executive functions. If, for instance the British Prime Minister wished to dissolve parliament in order for a general election to take place, the Prime Minister is constitutionally bound to request permission from the sovereign in order to attain such a wish. This power (along with others such as appointing ministers in the government, appointing diplomats, declaring war, and signing treaties, for example) is known as the Royal Prerogative, which in modern times is exercised by the sovereign solely on the advice of the Prime Minister. Since the British sovereign is a constitutional monarch, he or she abides by the advice of his or her ministers, except when executing reserve powers in times of crisis.

This custom also occurs in other Westminster Systems in the world, in consequence from the influence of British colonial rule. In Commonwealth realms such as Canada, Australia and New Zealand, the Prime Minister is obligated to seek permission from the Governor-General when implementing executive decisions, in a manner similar to the British practice. An analogous scenario also exists in Commonwealth republics, such as India or Trinidad and Tobago, where there is a President.

The head of state will often hold meetings with the head of government and cabinet, as a means of keeping abreast of governmental policy and as a means of advising, consulting and warning ministers in their actions. Such a practice takes place in the United Kingdom and India. In the UK, the sovereign holds confidential weekly meetings with the Prime Minister to discuss governmental policy and to offer her opinions and advice on issues of the day. In India, the Prime Minister is constitutionally bound to hold regular sessions with the President, in a similar manner to the aforementioned British practice. In essence, the head of state, as the theoretical executive authority, "reigns but does not rule". This phrase means that the head of state's role in government is generally ceremonial and as a result does not directly institute executive powers. The reserve powers of the head of state are sufficient to ensure compliance with some of their wishes. However, the extent of such powers varies from one country to another and is often a matter of controversy.

Such an executive arrangement first emerged in the United Kingdom. Historically, the British sovereign held and directly exercised all executive authority. George I of Great Britain (reigned 1714 to 1727) was the first British monarch to delegate some executive powers to a Prime Minister and a cabinet of the ministers, largely because he was also the monarch of Hanover in Germany and did not speak English fluently. Over time, arrangement continued to exercise executive authority on the sovereign's behalf. Such a concept was reinforced in *The English Constitution* (1876) by Walter Bagehot, who emphasised the "dignified" and "efficient" aspects of government. In this sense Bagehot was stating that the sovereign should be a focal point for the nation, while the PM and cabinet actually undertook executive decisions.

Role of the head of state

The head of state, or his or her representative (such as a governor-general), formally invites the head of government to form a government (also called an administration). In the UK, this is known as kissing hands. Although the dissolution of the legislature and the call for new elections is formally performed by the head of state, by convention the head of state acts according to the wishes of the head of government.

A president, monarch, or governor-general might possess clearly significant reserve powers. Examples of the use of such powers include the Australian constitutional crisis of 1975 and the Canadian King-Byng Affair in 1926. Either action is likely to bend or break existing conventions. The Lascelles Principles were an attempt to create a convention to cover similar situations, but have not been tested in practice. Because of differences in their written constitutions, the formal powers of monarchs, governors-general, and presidents vary greatly from one country to another. However, as sovereigns and governors-general are not elected, they are often shielded from any public disapproval stemming from unilateral or controversial use of their powers.

Cabinet government

In *The English Constitution*, Walter Bagehot emphasised the divide of the constitution into two components, the Dignified (that part which is symbolic) and the Efficient (the way things actually work and get done), and called the Efficient "Cabinet Government".^[3] Although there have been many works since emphasising different aspects of the "Efficient", no one has seriously questioned Bagehot's premise that the divide exists in the Westminster system.

Members of the Cabinet are collectively seen as responsible for government policy. All Cabinet decisions are made by consensus, a vote is rarely taken in a Cabinet meeting. All ministers, whether senior and in the Cabinet, or junior ministers, must support the policy of the government publicly

regardless of any private reservations. When a Cabinet reshuffle is imminent, a lot of time is taken up in the conversations of politicians and in the news media, speculating on who will, or will not, be moved in and out of the Cabinet by the Prime Minister, because the appointment of ministers to the Cabinet, and threat of dismissal from the Cabinet, is the single most powerful constitutional power which a Prime Minister has in the political control of the Government in the Westminster system.

Linked to Cabinet government is the idea, at least in theory, that ministers are responsible for the actions of their departments. It is no longer considered to be an issue of resignation if the actions of members of their department, over whom the minister has no direct control, make mistakes or formulate procedures which are not in accordance with agreed policy decisions. One of the major powers of the Prime Minister under the Westminster system is to decide when a fellow minister is accountable for the actions of a department.

The Official Opposition and other major political parties not in the Government, will mirror the governmental organisation with their own Shadow Cabinet made up of Shadow Ministers.

Bicameral and unicameral parliaments

In a Westminster system, some members of parliament are elected by popular vote, while others are appointed. All Westminster-based parliaments have a lower house with powers based on those of the House of Commons (under various names), comprising local, elected representatives of the people. Most also have a smaller upper house, which is made up of members chosen by various methods:

- Lifetime appointees from successive Prime Ministers (such as most members of the British House of Lords)
- De facto appointees of the cabinet or premier (such as the Canadian Senate)
- Direct election (such as the Australian Senate)
- Election by sub-national governments (such as the Indian Rajya Sabha)

In the UK, the lower house is the de facto legislative body, while the upper house practices restraint in exercising its constitutional powers and serves as a consultative body. In other Westminster countries, however, the upper house can sometimes exercise considerable power.

Some Westminster-derived parliaments are unicameral for two reasons:

- some, such as the Parliament of New Zealand, Parliament of Queensland, and the parliaments of Canadian provinces have abolished their upper houses.
- others have never had them, such as the Parliament of Malta, the Papua New Guinea Parliament, and the Legislative Council of Hong Kong.

Australia is, in many respects, a unique hybrid with influences from the United States Constitution as well as from the traditions and conventions of the Westminster system. Australia is exceptional because the government faces a fully elected upper house, the Senate, which must be willing to pass its budgets. Although government is formed in the lower house, the House of Representatives, the support of the Senate is necessary in order to govern. The Senate maintains the ability similar to that held by the British House of Lords, prior to the enactment of the Parliament Act 1911, to block supply against the government of the day. A government that is unable to obtain supply can be dismissed by the Governor-General: however, this is generally considered a last resort and is a

highly controversial decision to take, given the conflict between the traditional concept of confidence as derived from the lower house and the ability of the Senate to block supply. Many political scientists have held that the Australian system of government was consciously devised as a blend or hybrid of the Westminster and the United States systems of government, especially since the Australian Senate is a powerful upper house like the U.S. Senate; this notion is expressed in the nickname "the Washminster mutation".^[4] The ability of upper houses to block supply also features in the parliaments of most Australian states.

Hong Kong, a former British crown colony and currently a special administrative region of the People's Republic of China, has a unicameral Legislative Council. While the Legislative Councils in British Australasian and North American colonies were unelected upper houses and some of them had since abolished themselves, the Legislative Council of Hong Kong has remained the sole chamber and had in 1995 evolved into a fully elected house, yet only part of the seats are returned by universal suffrage. Responsible government was never granted during British colonial rule, and the Governor remained the head of government until the transfer of sovereignty in 1997, when the role was replaced by the Chief Executive. Secretaries had remained to be chosen by the Chief Executive not from the Legislative Council, and their appointments need not be approved by the Legislative Council. Although essentially more presidential than parliamentary, the Legislative Council had inherited many elements of the Westminster system, including parliamentary powers, privileges and immunity, and the right to conduct inquiries, amongst others. Minutes are known as Hansards, and the theme colour of the meeting chamber is red as in other upper houses. Government secretaries and other officials are seated on the right hand side of the President in the chamber. The Chief Executive may dissolve the Legislative Council under certain conditions, and is obliged to resign, e.g., when a re-elected Legislative Council passes again a bill that he or she had refused to sign promulgate.

Criticisms

Cabinet members do not have much independence to actively disagree with government policy, even for productive reasons. A cabinet member may be forced to resign simply for opposing one aspect of a government's agenda, even though they agreed with the majority of other proposals. Westminster cabinets also have a tendency to be very large. As the cabinet is the chief organ of power and influence in the government, members of parliament may actively lobby for a position in cabinet once their party is elected to power. The Prime Minister, who is also party leader, will have an active interest in promoting as many of these members from their own party as possible.

Westminster governments usually do not have a very strong tradition of separation of powers, in practice (apart from the separation between the executive/legislature and the judiciary). In fact, they operate on the exact opposite principle of fusion of powers. Though the head of state, be it governor-general, monarch, or president, will have nominal powers to "check" those of the prime minister, in practice these individuals are usually regarded as little more than figureheads who are expected not to actively intervene in day-to-day politics. Prime ministers under any Westminster system have ample freedom to appoint a large variety of individuals, such as judges, cabinet ministers, and other senior bureaucrats.

Nevertheless, prime ministers can usually do only as much as public opinion and the balance of party membership of parliament will let them do. And it is relatively rare that a prime minister will have a big enough majority to cancel opposition from smaller parties. In practice, government in multi-party consociational systems, such as Belgium or the Netherlands, is always made up of coalitions, and prime ministers must keep the coalition partners happy in order to retain their support on votes of confidence. By contrast, in countries with a strong two-party system, such as the United Kingdom,

coalitions rarely occur except when a third party wins an unusually large number of parliamentary seats, or in times of national crisis, when all parties may be represented in the government in order to promote national unity.

The threat posed by non-confidence votes is often used to justify extremely well-disciplined legislative parties in Westminster systems. In order to ensure the government always has the confidence of the majority of the house, the political culture of Westminster nations often makes it highly unusual for a legislator to vote against their party. Critics argue this in turn undermines the freedom and importance of Members of Parliament (MPs) in day-to-day legislating, making the cabinet the only organ of government where individual legislators can aspire to influence the decisions of the government.

Most senior policy will be made at the cabinet level, regardless of what individual MPs may or may not decide in committee, thus reducing the strength of committees. Their greatest power is often the ability to force a government to reveal certain pieces of information.

Ceremonies

The Westminster system has a very distinct appearance when functioning, with many British customs incorporated into day-to-day government function. A Westminster-style parliament is usually a long, rectangular room, with two rows of seats and desks on either side. The chairs are positioned so that the two rows are facing each other. This arrangement is said to have derived from an early Parliament which was held in a church choir. Traditionally, the opposition parties will sit in one row of seats, and the government party will sit in the other. Of course, sometimes a majority government is so large that it must use the "opposition" seats as well. In the lower house at Westminster (the House of Commons) there are lines on the floor in front of the government and opposition benches that members may cross only when exiting the chamber. It is often rumoured that the distance between the lines is that of the length of two swords although no documentary evidence exists to support this and, in fact, weapons have never been allowed in the Palace of Westminster at any time.

At one end of the room sits a large chair, for the Speaker of the House. The speaker usually wears a black robe, and in many countries, a wig. Robed parliamentary clerks often sit at narrow tables between the two rows of seats, as well.

Other ceremonies sometimes associated with the Westminster system include an annual Speech from the Throne (or equivalent) in which the Head of State gives a special address (written by the government) to parliament about what kind of policies to expect in the coming year, and lengthy State Opening of Parliament ceremonies that often involve the presentation of a large ceremonial mace.

Current countries

Countries that use variations on the theme of the Westminster system include the following: