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The system was largely based on the British legal system. As a consequence, Australia mirrored a number of elements from the British legal system, including the parliamentary system and the adversarial (two sided) court system. An adversarial court system involves trial by jury and the principle of innocent until proven guilty.

The Australian legal system developed from the legal system of Britain, which was brought to Australia as part of the process of Britain setting up a colony in Australia, beginning in the 1770s. Between 1855 and 1890 the British Parliament granted a limited right to set up a local system of government to each of the British colonies within Australia, usually referred to as granting 'responsible government'.

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