



## Doing Business With WA

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### Australia's Legal Structure

The legal system in Australia had developed from British Law. It is distinct from the civil law systems that operate in Europe, South America and Japan, which are derived from Roman law. Other countries that employ variations of the common law system are the United States, Canada, New Zealand, Malaysia and India.

#### Fast Facts on Australia's Legal System

Australia is characterized by two sources of law:

- 1) Legislation enacted by Federal, State and Territories Governments
- 2) Common law.

Law is administered under Federal and State jurisdiction and both systems incorporate the three branches of government – legislative, executive and judicial. Laws are made by the federal and state parliaments, while an independent judiciary interprets and applies them. Each State has its own judicial systems and hierarchy of courts headed by the Supreme Court. The High Court of Australia is the final court of appeal in respect to all matters.

All people – Australian and non-Australian alike – are treated equally before the law. In all cases, defendants are considered to be innocent until proven guilty beyond all reasonable doubt. Legal representation will be provided to those who can not afford representation, based on a means test.

For a detailed fact sheet on the Australian Legal system please visit the [Department of Foreign Affairs and Trade](#)

Other sites of interest include:

[Australian Governments Attorney Generals Office](#)

[Department of Attorney General WA](#)

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