

IN THE MAGISTRATES COURT OF QUEENSLAND

REGISTRY: BRISBANE

NUMBER: [insert]

PRISCILLA ONG

Complainant

- v -

ADAM BRUCE WATSON

Defendant

**OUTLINE OF SUBMISSIONS ON BEHALF OF THE DEFENDANT
ON THE JURISDICTION OF THE MAGISTRATES COURT OF QUEENSLAND**

Filed pursuant to the directions of Magistrate Noud made on 17 July 2026, as extended by consent to 4:00pm on Monday 10 August 2026.

A. THE DEFENDANT’S POSITION

1. The defendant is charged with two offences against **section 52(1A) of the Bankruptcy Act 1966 (Cth)** (“the Act”). Each is an offence of strict liability (s 52(1B)) carrying a maximum penalty of 5 penalty units. No term of imprisonment is available on conviction.
2. The defendant **accepts, and does not put in issue**, that this Court is vested with jurisdiction in respect of Commonwealth summary offences by s 68(2) of the Judiciary Act 1903 (Cth), and that such jurisdiction is conferred notwithstanding any limits as to locality under the law of Queensland (s 68(5)). To the extent that earlier correspondence from the defendant, who is unrepresented, suggested that this Court lacks jurisdiction, that contention is not pressed.
3. The single question for determination is therefore the narrow one arising under s **68(5A)** of the Judiciary Act: whether, being satisfied that it is appropriate to do so having regard to all the circumstances including the public interest, this Court should decline to exercise that jurisdiction in relation to offences committed in another State.
4. The defendant submits that it should, for the reasons that follow.

B. THE THRESHOLD QUESTION: OFFENCES “COMMITTED IN ANOTHER STATE”

5. The discretion in s 68(5A) is enlivened where the relevant offence was “committed in another State”. That threshold is met here.

6. The offences alleged are **omissions**. The obligation imposed by s 52(1A) is upon the creditor who obtained a sequestration order to give a copy of that order to the Official Receiver. The conduct said to constitute each offence is the failure to discharge that obligation.
7. On the prosecution's own material:
 - (a) both creditor's petitions were filed in the **Sydney Registry** of the Federal Circuit and Family Court of Australia — proceedings SYG1446/2024 and SYG1753/2024 (prosecution outline, [23]);
 - (b) both sequestration orders were made in the **Sydney Registry**, by Registrar Morgan, on 8 August 2024 and 29 August 2024 respectively ([23]); and
 - (c) at the time the Orders were made, and at the time each alleged offending period is said to have commenced, the defendant was recorded as residing at 4/29 Coot Way, Tapping, in **Western Australia** ([19(a)], [21]).
8. No element of either offence is alleged to have occurred in Queensland. The prosecution's assertion at [29(a)] that there is "sufficient connection between the offending and the State of Queensland" is not supported by any identified fact. The only Queensland fact relied upon is that the defendant's recorded address changed to Helensvale part-way through the alleged offending periods.
9. The prosecution concedes at [24] that "the defendant was residing in various States at the time of the offending". With respect, that concession does not assist the prosecution. That a defendant resided in several States does not supply a connection with **Queensland** in particular; and the States in which the elements of the offences are said to have arisen are New South Wales and Western Australia.

C. THE PROSECUTION'S OWN CHRONOLOGY

10. Taking the prosecution's particulars and its address evidence at [19] together:
 - (a) **Charge 1** is alleged to have occurred on about 13 August 2024 and continued until 20 November 2024 — a period of 100 days. On the prosecution's own address evidence, the defendant was in Western Australia for 79 of those days, and in Queensland for 21.
 - (b) **Charge 2** is alleged to have occurred on about 3 September 2024 and continued until 15 November 2024 — a period of 74 days. On the same evidence, the defendant was in Western Australia for 58 of those days, and in Queensland for 16.
11. Each alleged offence therefore **commenced** outside Queensland, and the substantial majority of the conduct constituting it occurred outside Queensland. If, as the prosecution contends at [6] and footnote 2, these are continuing offences by operation of s 4K of the Crimes Act 1914 (Cth), then the continuing conduct was performed predominantly in Western Australia.

D. EITHER CHARACTERISATION OF THE OFFENDING FAVOURS DECLINING JURISDICTION

12. There are two available characterisations of the offending. Each supports the exercise of the s 68(5A) discretion.
13. **First characterisation — a single offence, complete on non-compliance.** Section 52(1A) requires the copy to be given “before the end of the period of 2 days beginning on the day the order was made”. On that construction the obligation in respect of the order of 8 August 2024 fell due at the end of 9 August 2024, and any offence was committed on 10 August 2024; and in respect of the order of 29 August 2024, at the end of 30 August 2024, with any offence committed on 31 August 2024. On that footing each offence was committed in Western Australia, and each was committed more than twelve months before the complaint was filed on 13 November 2025, contrary to s 15B(1)(b) of the Crimes Act 1914 (Cth).
14. **Second characterisation — daily offences under s 4K(2).** Section 4K(1) continues the obligation; it is s 4K(2) that creates offences, providing that a person commits an offence “in respect of each day” of non-compliance. On that construction each day is a discrete offence, and each is separately subject to the twelve-month limitation in s 15B(1)(b). Measured from the filing of the complaint on 13 November 2025, only conduct occurring on or after about 13 November 2024 is within time — being **8 of the 100 days** charged in Charge 1, and **3 of the 74 days** charged in Charge 2.
15. The defendant does **not** ask the Court to determine questions of limitation or duplicity today. Those matters fall outside the directions made on 17 July 2026 and are expressly reserved. They are raised here only because they bear directly upon the public interest in the continued prosecution of these charges in this Court, and because the prosecution itself relies at [25] upon the limitation period as a reason to refuse the discretion.

E. THE PUBLIC INTEREST FAVOURS DECLINING JURISDICTION

16. **The prosecution’s delay is not a reason to deprive the defendant of a statutory protection.** The prosecution submits at [25] that it “is now time barred from recommencing these charges in another State more convenient to the defendant”. That circumstance is entirely of the prosecution’s own making: it chose the forum, and it chose to file the complaint on 13 November 2025. Section 68(5A) exists to protect a defendant from being required to answer, in one State, offences committed in another. It would invert the provision to hold that a defendant loses its protection precisely because the prosecution left its commencement so late that no other forum remains open.
17. **The defendant resides in New South Wales.** The defendant’s residential address is U106/36 Malabar Road, South Coogee NSW 2034. He will rely upon a residential tenancy agreement issued by Homes NSW (Department of Communities and Justice), a NSW Services photo card, and a Medicare card, all annexed to his affidavit filed with this outline.

18. **The prosecution's own conduct is inconsistent with [22].** The prosecution submits at [22] that the defendant "still resided at an address in Helensvale". Yet the prosecution served its outline and supporting affidavit by post to the defendant at U106/36 Malabar Road, South Coogee NSW on 30 July 2026, and informed the Registrar on 6 August 2026 that a copy "was also posted to his residential address". The prosecution cannot maintain, on the one hand, that the defendant resides in Queensland, and effect service upon him, on the other, at a New South Wales address it describes as his residence.
19. **The relevant witnesses and records are in New South Wales.** The defendant does **not** consent to the tender of the evidentiary certificate served on 4 August 2026 in respect of exhibit WAT0001, and requires the maker to attend for cross-examination. The maker is an officer of the Federal Circuit and Family Court at its Sydney Registry. The prosecution accepts that such a certificate is ordinarily required to be served ten business days before hearing and that it was not, having been served nine days before the hearing listed for 13 August 2026.
20. **A substantive defence turns on New South Wales evidence.** The offences being ones of strict liability, the defence of mistake of fact under **s 9.2 of the Criminal Code (Cth)** is available. The defendant's case is that he was informed by an officer of the Sydney Registry that the Court would itself transmit the sequestration orders to the Official Receiver, and that he acted on that advice. The defendant is instructed that the officer concerned is willing to give evidence. That evidence, if accepted, is capable of being determinative. It is plainly more conveniently and fairly received in New South Wales.
21. **Proportionality.** These are fine-only, strict liability, procedural offences carrying a maximum of 5 penalty units each. Requiring a defendant who resides in Sydney to defend them in Brisbane, and to bring New South Wales witnesses to Queensland to do so, is disproportionate to what is at stake and would in practice deny him the opportunity to test the prosecution case.
22. **The defendant's health.** The defendant suffers from diabetes and a vision impairment, and reports significant deterioration in his mental health arising from these proceedings. Medical material is annexed to his affidavit. He seeks leave to appear by audio-visual link on any occasion on which his attendance is required.

F. THE PROSECUTION IDENTIFIES NO COUNTERVAILING PUBLIC INTEREST

23. The prosecution advances three matters at [29]. As to (a), no fact connecting the offending to Queensland is identified beyond a change of recorded address after the offending commenced. As to (b), the limitation difficulty is of the prosecution's own making and is addressed above. As to (c), the absence of a transfer power is a reason why the discretion in s 68(5A) exists, not a reason to refuse it — the provision operates by way of declining jurisdiction, not transfer, precisely because no transfer power exists.

G. REQUEST FOR PARTICULARS

24. The defendant has requested, and repeats his request for, particulars of:
- (a) the exact date on which the prosecution alleges each offence was committed, and the calculation of that date from the words of s 52(1A) (the prosecution having pleaded 13 August 2024 and 3 September 2024, being three days later in each case than the face of the section would indicate);
 - (b) whether the prosecution relies upon s 4K(2) of the Crimes Act 1914 (Cth), and if so, which day or days are relied upon in respect of each charge; and
 - (c) the basis upon which the prosecution contends that any element of either offence occurred in Queensland.

H. ORDERS SOUGHT

25. The defendant seeks the following orders:
- (a) That the Court decline to exercise its jurisdiction in respect of both charges pursuant to s 68(5A) of the Judiciary Act 1903 (Cth).
 - (b) Alternatively, that the hearing listed for 13 August 2026 be vacated and relisted, and that the defendant have leave to appear by audio-visual link.
 - (c) Alternatively, that the hearing on 13 August 2026 be confined to argument on jurisdiction, with the defendant granted leave to appear by audio-visual link.
 - (d) That the prosecution provide the particulars sought at paragraph 24 above.
 - (e) Such further or other order as the Court considers appropriate.

Dated: 8 August 2026

Adam Bruce Watson

Defendant (self-represented)

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