

IN THE MAGISTRATES COURT OF QUEENSLAND

REGISTRY: BRISBANE

NUMBER:

PRISCILLA ONG

- v -

ADAM BRUCE WATSON

OUTLINE OF SUBMISSIONS ON BEHALF OF THE PROSECUTION
ON THE JURISDICTION OF THE MAGISTRATES COURT OF QUEENSLAND

CHARGES

1. The defendant is charged by way of complaint and summons with two (2) offences contrary to section 52(1A) of the *Bankruptcy Act 1966* (Cth) ('the Act'). The offences are mandatory summary offences, punishable by a fine only, and are subject to statutory limitation by virtue of s.15B(1) of the *Crimes Act 1901* (Cth) ('the Crimes Act'), meaning charges must be commenced within 12 months of the commission of the offence.¹

OVERVIEW OF CROWN SUBMISSIONS

2. The defendant submits that the Magistrates Court of Queensland lacks jurisdiction to hear and determine the charges against him on the basis that the charges should have been commenced in New South Wales.
3. The Crown submits that the Magistrates Court at Brisbane has jurisdiction to hear and determine the matters for which the defendant is charged pursuant to section 19 of the *Justices Act 1886* (Qld) ('the Justices Act') and section 68(2) of the *Judiciary Act 1903* (Cth).
4. The Court should decline to exercise the discretion in section 68(5A) of the *Judiciary Act 1903* (Cth) because there was sufficient connection with the State of Queensland at the time the charges issued and it is in the public interest that the prosecution of the defendant continue.
5. The relevant provisions discussed in this outline are contained in **Annexure A**.

¹ By virtue of section 15B(1)(b) of the *Crimes Act 1914* (Cth), "a prosecution of an individual for an offence against any law of the Commonwealth may be commenced...at any time within one year after the commission of the offence."

THE OFFENDING AND LAYING OF CHARGES

6. The offending relates to two (2) sequestration orders made by a Registrar of the Federal Circuit and Family Courts of Australia (**‘the Court’**), on 8 August 2024 and 29 August 2024 respectively (**‘the Orders’**), on the petition of the defendant. The offending is comprised of two continuing offences² whereby the defendant failed to provide a sequestration order to the official receiver within 2 days as follows:
 - a. Charge 1 occurred on about 13 August 2024 and continued until 20 November 2024; and
 - b. Charge 2 occurred on about 3 September 2024 and continued until 15 November 2024.
7. Consistent with the statutory limitation imposed by s.15B(1) of the *Crimes Act*, the charges were instituted within 12 months of the offences being committed, with the complaint and summons being issued and filed in this court on 13 November 2025. Following several unsuccessful attempts to serve the defendant with the complaint, the defendant was ultimately served with the complaint and summons on 12 December 2025, pursuant to section 56(1)(a) of the *Justices Act 1886* (Qld).

RELEVANT LAW – JURISDICTION OF THE QUEENSLAND MAGISTRATES COURT

General power of the Queensland Magistrates Court under the *Justices Act 1886* (Qld)

8. Section 19 of the *Justices Act* provides that:

‘Whenever by any Act past or future, or by this Act, any person is made liable to a penalty or punishment, or to pay a sum of money, for any offence, act, or omission, and such offence, act, or omission is not by the Act declared to be an indictable offence, and no other provision is made for the trial of such person, the matter may be heard and determined by a Magistrates Court constituted, subject to this Act, by 2 or more justices in a summary manner under the provisions of this Act.’
9. Section 27 of the *Justices Act* empowers a Magistrates Court constituted by two (2) or more justices to hear and determine a complaint. Subsection 30(1) of the *Justices Act* provides that a Magistrate, sitting alone and constituting a Magistrates Court, has the power to do any act and whatever might be done under any Act by 2 or more justices constituting a Magistrates Court.

² Under s.4K(1) of the *Crimes Act 1914* (Cth), where an act or thing is required to be done before a particular time or within a particular period and it is not done before the time period expires, then the offence is a ‘continuing offence’.

Power of the Queensland Magistrates Court in respect of federal offences

10. State laws are binding on all Court exercising federal jurisdiction, except where the Constitution or a Commonwealth statute otherwise provides, pursuant to section 79 of the *Judiciary Act*.
11. The effect of section 68(1) of the *Judiciary Act* is to make applicable to the trial of Commonwealth offences in State courts vested with jurisdiction under section 68(2), the same procedural laws that would apply in that State in respect of state offences.³
12. The purpose of section 68(1) of the *Judiciary Act* is “so far as possible, to enable State courts in the exercise of federal jurisdiction to apply federal laws according to a common procedure in one judicial system”.⁴ Section 68 of the *Judiciary Act* has two main functions. Firstly, it vests jurisdiction in State courts. Secondly, it addresses how State courts may exercise the jurisdiction that has been vested in it.⁵ Section 68(1) is cast in language that “enables it to pick up procedural changes and developments as they occur in particular States from time to time”.⁶ Section 68(1) is indifferent to the circumstance that different procedures may exist in different states.
13. Section 68(1) of the *Judiciary Act* thus serves the same function as section 79 of the *Judiciary Act*. That is, both operate to pick up state laws applicable to the exercise of state jurisdiction and apply them to the exercise of federal jurisdiction.
14. Accordingly, pursuant to section 68(2) of the *Judiciary Act* a summary hearing for a summary offence can be conducted in any State or Territory, irrespective of where the offending occurred. Section 68(2) reads as follows:

‘The several Courts of a State or Territory exercising jurisdiction with respect to:

(a) the summary conviction; or

(b) the examination and commitment for trial on indictment; or

(c) the trial and conviction on indictment;

of offenders or persons charged with offences against the laws of the State or Territory, and with respect to the hearing and determination of appeals arising out of any such trial or conviction or out of any proceedings connected therewith, shall, subject to this section and to section 80 of the Constitution, have the like jurisdiction with respect to persons who are charged with offences against the laws of the Commonwealth.’

15. Section 80 of the *Constitution of the Commonwealth of Australia*⁷ limits the power conferred in section 68(2) of the *Judiciary Act*, by requiring a trial for an indictable Commonwealth offence to occur in the State in which the offence was committed. Relevantly, no such

³ See *Alqudsi v The Queen* (2016) 258 CLR 203 at 239 [80] (Kiefel, Bell and Keane JJ).

⁴ *R v Loewenthal; Ex parte Blacklock* (1974) 131 CLR 338 at 345 (Mason J).

⁵

⁶ *R v Gee* (2003) 212 CLR 230 at 241 [7] (Gleeson CJ).

⁷ s.80 - ‘The trial on indictment of any offence against any law of the Commonwealth shall be by jury and every such trial shall be held in the State where the offence was committed, and if the offence was not committed within any State the trial shall be held in such place or places as the Parliament prescribes.’

restriction exists in relation to Commonwealth summary offences, such as those the subject of this matter.

16. Where a Commonwealth offence begins in one jurisdiction and was completed in another, the offence may be dealt with in either jurisdiction, pursuant to section 70(1) of the *Judiciary Act*.
17. Section 68 of the *Judiciary Act 1903* (Cth) and the meaning of ‘like jurisdiction’ has been considered by the High Court in several cases. When referring to the object of the enactment of s.68 of the *Judiciary Act 1903* (Cth) in *Williams v The King (No 2)* [1934] HCA 19, the High Court said:

*“[T]he enactment provides that the several Courts of a State exercising jurisdiction with respect to the hearing and determination of appeals arising out of the trial or conviction on indictment, or out of any proceedings connected therewith, of offenders or persons charged with offences against the laws of the State shall have the like jurisdiction with respect to persons who are charged with offences against the laws of the Commonwealth.”*⁸

Discretion to refuse jurisdiction

18. The jurisdiction of State courts to hear offences against laws of the Commonwealth is conferred regardless of any limits in the laws of the State about the locality.⁹ This is subject to section 68(5A) of the *Judiciary Act*, which provides this court with the inherent discretion to decline to exercise summary jurisdiction in respect of offences against the laws of the Commonwealth. In refusing to exercise the jurisdiction to an offence against a law of the Commonwealth committed in another State, this court must be... *“satisfied that it is appropriate to do so, having regard to all the circumstances, including the public interest....”*

SUBMISSIONS ON JURISDICTION OF THE QUEENSLAND MAGISTRATES COURT

19. Information and records obtained by the Australian Financial Services Authority (“AFSA”) confirm that, during the relevant periods, the defendants address was reported as:
 - a. 4/29 Coot Way, TAPPING WA 6065 from 14 August 2023 until 31 October 2024;
 - b. 1/3 Serenity Bvd, HELENSVALE QLD 4212 from 31 October 2024; and
 - c. 13/1 Lake Serenity Bvd, HELENSVALE QLD 4212 from 18 May 2025.

⁸*Williams v The King (No 2)* (1934) 50 CLR 551 [4].

⁹ Section 68(5) of the *Judiciary Act 1903* (Cth).

20. On 22 May 2022, the AFSA informant conducted open-source searches relating to the defendant. The website adamwatson.au reported that the defendant's postal address for his business was a PO box address located in Peakhurst in New South Wales.
21. At the time the Orders were made, through to the time the offending period commenced, the defendant was reported as living at an address in Western Australia (see paragraph 8(a)). The offending continued for a period of up to 101 days, by which time the defendant reportedly lived at an address in Helensvale in Queensland (see paragraph 8(b)). This is the case for both charges 1 and 2 on the complaint.
22. According to the records of AFSA and information and records obtained at the time the complaint was made against the defendant, he still resided at an address in Helensvale (see paragraph 8(c)).
23. The creditors petition was filed with the Court in the Sydney Registry. Registrar Morgan, of the Court's Sydney Registry, made the Orders on 8 August 2024 and 29 August 2024, respectively.
24. Accordingly, the defendant was residing in various States at the time of the offending. It is therefore submitted that this would be a factor that weighs against exercising the discretion.

Public interest factors

25. The prosecution is now time barred from recommencing these charges in another State more convenient to the defendant.
26. Furthermore, there is no power known to the prosecution to enable the Magistrates Court to transfer the prosecution of the offending to an equivalent court in another State.

SUBMISSIONS

27. The Prosecution submits that the Queensland Magistrates Court has jurisdiction to hear and determine the summary charges against the defendant pursuant to s.68(2) of the *Judiciary Act 1903* (Cth) and s.19 of the *Justices Act 1886* (Qld).
28. In addition, by virtue of s.68(5), the summary charges against the defendant can be heard in any Magistrates Court in Queensland, including the Brisbane Magistrates Court.
29. The Court should decline to exercise the discretion to refuse summary jurisdiction pursuant to s.68(5A) of the *Judiciary Act 1903* (Cth) for these offences because:
 - a. there is sufficient connection between the offending and the State of Queensland; and

- b. it is in the public interest to continue the prosecution of the defendant in circumstances where the bringing of the same charges in another jurisdiction is now time barred; and
- c. there is no power known to the prosecution to enable the Queensland Magistrates Court to transfer the prosecution of this offending to a suitable Court in another State.

Renee Spicer

Senior Federal Prosecutor

For and on behalf of the Director of Public Prosecutions (Cth)

ANNEXURE A – RELEVANT STATE AND COMMONWEALTH LEGISLATION

Bankruptcy Act 1966 (Cth)

Section 52 - Proceedings and order on creditor's petition

- (1) At the hearing of a creditor's petition, the Court shall require proof of:
- (a) the matters stated in the petition (for which purpose the Court may accept the affidavit verifying the petition as sufficient);
 - (b) service of the petition; and
 - (c) the fact that the debt or debts on which the petitioning creditor relies is or are still owing;
- and, if it is satisfied with the proof of those matters, may make a sequestration order against the estate of the debtor.
- (1A) If the Court makes a sequestration order, the creditor who obtained the order must give a copy of it to the Official Receiver before the end of the period of 2 days beginning on the day the order was made.
- Penalty: 5 penalty units.
- Note: See also section 277B (about infringement notices).
- (1B) Subsection (1A) is an offence of strict liability.
- Note: For strict liability, see section 6.1 of the *Criminal Code*.
- (2) If the Court is not satisfied with the proof of any of those matters, or is satisfied by the debtor:
- (a) that he or she is able to pay his or her debts; or
 - (b) that for other sufficient cause a sequestration order ought not to be made;
- it may dismiss the petition.
- (3) The Court may, if it thinks fit, upon such terms and conditions as it thinks proper, stay all proceedings under a sequestration order for a period not exceeding 21 days.
- (4) A creditor's petition lapses at the expiration of:
- (a) subject to paragraph (b), the period of 12 months commencing on the date of presentation of the petition; or
 - (b) if the Court makes an order under subsection (5) in relation to the petition—the period fixed by the order;
- unless, before the expiration of whichever of those periods is applicable, a sequestration order is made on the petition or the petition is dismissed or withdrawn.

- (5) The Court may, at any time before the expiration of the period of 12 months commencing on the date of presentation of a creditor's petition, if it considers it just and equitable to do so, upon such terms and conditions as it thinks fit, order that the period at the expiration of which the petition will lapse be such period, being a period exceeding 12 months and not exceeding 24 months, commencing on the date of presentation of the petition as is specified in the order.

Crimes Act 1914 (Cth)

Section 4K - Continuing and multiple offences

- (1) Where, under a law of the Commonwealth, an act or thing is required to be done within a particular period or before a particular time, then, unless the contrary intention appears, the obligation to do that act or thing continues, notwithstanding that the period has expired or the time has passed, until the act or thing is done.
- (2) Where a refusal or failure to comply with a requirement referred to in subsection (1) is an offence against a law of the Commonwealth, a person commits an offence in respect of each day during which the person refuses or fails to comply with that requirement, including the day of a conviction for any such offence or any later day.
- (3) Charges against the same person for any number of offences against the same provision of a law of the Commonwealth may be joined in the same information, complaint or summons if those charges are founded on the same facts, or form, or are part of, a series of offences of the same or a similar character.
- (4) If a person is convicted of 2 or more offences referred to in subsection (3), the court may impose one penalty in respect of both or all of those offences, but that penalty shall not exceed the sum of the maximum penalties that could be imposed if a separate penalty were imposed in respect of each offence.

Section 15B - Time for commencement of prosecutions

- (1) Subject to subsection (1B), a prosecution of an individual for an offence against any law of the Commonwealth may be commenced as follows:
- (a) if the maximum penalty which may be imposed for the offence in respect of an individual is, or includes, a term of imprisonment of more than 6 months in the case of a first conviction—at any time;
- (b) in any other case—at any time within one year after the commission of the offence.

(1A) A prosecution of a body corporate for an offence against any law of the Commonwealth may be commenced as follows:

- (a) if the maximum penalty which may be imposed for the offence in respect of a body corporate is, or includes, a fine of more than 150 penalty units in the case of a first conviction—at any time;
- (b) in any other case—at any time within one year after the commission of the offence.

(1B) A prosecution of an individual for an offence that is taken to have been committed because of section 11.2 or 11.2A of the *Criminal Code*, or against another law of the Commonwealth dealing with aiding and abetting, in relation to an offence committed by a body corporate may be commenced as follows:

- (a) if the maximum penalty which may be imposed for the principal offence in respect of a body corporate is, or includes, a fine of more than 150 penalty units in the case of a first conviction—at any time;
- (b) in any other case—at any time within one year after the commission of the offence by the individual.

(2) Notwithstanding any provision in any law of the Commonwealth passed before the commencement of this Act and providing any shorter time for the commencement of the prosecution, any prosecution for an offence against the law may be commenced at any time within one year after the commission of the offence.

(3) Where by any law of the Commonwealth any longer time than the time provided by this section is provided for the commencement of a prosecution in respect of an offence against that law, a prosecution in respect of the offence may be commenced at any time within that longer time.

Judiciary Act 1903 (Cth)

Section 68 - Jurisdiction of State and Territory courts in criminal cases

(1) The laws of a State or Territory respecting the arrest and custody of offenders or persons charged with offences, and the procedure for:

- (a) their summary conviction; and
- (b) their examination and commitment for trial on indictment; and
- (c) their trial and conviction on indictment; and
- (d) the hearing and determination of appeals arising out of any such trial or conviction or out of any proceedings connected therewith;

and for holding accused persons to bail, shall, subject to this section, apply and be applied so far as they are applicable to persons who are charged with offences against the laws of the Commonwealth in respect of whom jurisdiction is conferred on the several courts of that State or Territory by this section.

(2) The several Courts of a State or Territory exercising jurisdiction with respect to:

- (a) the summary conviction; or
- (b) the examination and commitment for trial on indictment; or
- (c) the trial and conviction on indictment;

of offenders or persons charged with offences against the laws of the State or Territory, and with respect to the hearing and determination of appeals arising out of any such trial or conviction or out of any proceedings connected therewith, shall, subject to this section and to section 80 of the Constitution, have the like jurisdiction with respect to persons who are charged with offences against the laws of the Commonwealth.

(4) The several Courts of a State or Territory exercising the jurisdiction conferred upon them by this section shall, upon application being made in that behalf, have power to order, upon such terms as they think fit, that any information laid before them in respect of an offence against the laws of the Commonwealth shall be amended so as to remove any defect either in form or substance contained in that information.

(5) Subject to subsection (5A):

- (a) the jurisdiction conferred on a court of a State or Territory by subsection (2) in relation to the summary conviction of persons charged with offences against the laws of the Commonwealth; and
- (b) the jurisdiction conferred on a court of a State or Territory by virtue of subsection (7) in relation to the conviction and sentencing of persons charged with offences against the laws of the Commonwealth in accordance with a provision of the law of that State or Territory of the kind referred to in subsection (7);

is conferred notwithstanding any limits as to locality of the jurisdiction of that court under the law of that State or Territory.

(5A) A court of a State on which jurisdiction in relation to the summary conviction of persons charged with offences against the laws of the Commonwealth is conferred by subsection (2) may, where it is satisfied that it is appropriate to do so, having regard to all the circumstances, including the public interest, decline to exercise that jurisdiction in relation to an offence against a law of the Commonwealth committed in another State.

(5B) In subsection (5A), ***State*** includes Territory.

(5C) The jurisdiction conferred on a court of a State or Territory by subsection (2) in relation to:

- (a) the examination and commitment for trial on indictment; and
- (b) the trial and conviction on indictment;

of persons charged with offences against the laws of the Commonwealth, being offences committed elsewhere than in a State or Territory (including offences in, over or under any area of the seas that is not part of a State or Territory), is conferred notwithstanding any limits as to locality of the jurisdiction of that court under the law of that State or Territory.

- (6) Where a person who has committed, or is suspected of having committed, an offence against a law of the Commonwealth, whether in a State or Territory or elsewhere, is found within an area of waters in respect of which sovereignty is vested in the Crown in right of the Commonwealth, he or she may be arrested in respect of the offence in accordance with the provisions of the law of any State or Territory that would be applicable to the arrest of the offender in that State or Territory in respect of such an offence committed in that State or Territory, and may be brought in custody into any State or Territory and there dealt with in like manner as if he or she had been arrested in that State or Territory.
- (7) The procedure referred to in subsection (1) and the jurisdiction referred to in subsection (2) shall be deemed to include procedure and jurisdiction in accordance with provisions of a law of a State or Territory under which a person who, in proceedings before a court of summary jurisdiction, pleads guilty to a charge for which he or she could be prosecuted on indictment may be committed to a court having jurisdiction to try offences on indictment to be sentenced or otherwise dealt with without being tried in that court, and the reference in subsections (1) and (2) to ***any such trial or conviction*** shall be read as including any conviction or sentencing in accordance with any such provisions.
- (8) Except as otherwise specifically provided by an Act passed after the commencement of this subsection, a person may be dealt with in accordance with provisions of the kind referred to in subsection (7) notwithstanding that, apart from this section, the offence would be required to be prosecuted on indictment, or would be required to be prosecuted either summarily or on indictment.
- (9) Where a law of a State or Territory of the kind referred to in subsection (7) refers to indictable offences, that reference shall, for the purposes of the application of the provisions of the law in accordance with that subsection, be read as including a reference to an offence against a law of the Commonwealth that may be prosecuted on indictment.

- (10) Where, in accordance with a procedure of the kind referred to in subsection (7), a person is to be sentenced by a court having jurisdiction to try offences on indictment, that person shall, for the purpose of ascertaining the sentence that may be imposed, be deemed to have been prosecuted and convicted on indictment in that court.
- (11) Nothing in this section excludes or limits any power of arrest conferred by, or any jurisdiction vested or conferred by, any other law, including an Act passed before the commencement of this subsection.

Section 70 - Offences committed in several States

- (1) When an offence against the laws of the Commonwealth is begun in one State or part of the Commonwealth and completed in another, the offender may be dealt with tried and punished in either State or part in the same manner as if the offence had been actually and wholly committed therein.
- (2) This section has effect subject to sections 68C and 68D.

Constitution – Commonwealth of Australia

Section 80 - Trial by jury

The trial on indictment of any offence against any law of the Commonwealth shall be by jury, and every such trial shall be held in the State where the offence was committed, and if the offence was not committed within any State the trial shall be held at such place or places as the Parliament prescribes.

Queensland Constitution Act 1867

Section 1 - Legislative Assembly

There shall be within the said Colony of Queensland a Legislative Assembly.

Section 2 - Legislative Assembly constituted

Within the said Colony of Queensland Her Majesty shall have power by and with the advice and consent of the said Assembly to make laws for the peace welfare and good government of the colony in all cases whatsoever.

Justices Act 1886 (Old)

Section 19 – General provision

Whenever by any Act past or future, or by this Act, any person is made liable to a penalty or punishment, or to pay a sum of money, for any offence, act, or omission, and such offence, act, or

omission is not by the Act declared to be an indictable offence, and no other provision is made for the trial of such person, the matter may be heard and determined by a Magistrates Court constituted, subject to this Act, by 2 or more justices in a summary manner under the provisions of this Act.

Section 27 – Hearing of complaint

(1) Subject to the provisions of any other Act, every complaint shall be heard and determined by a Magistrates Court constituted by 2 or more justices.

(2) If any Act authorises a matter of complaint to be heard and determined by—

(a) a Magistrates Court constituted by 1 justice; or

(b) 1 justice;

that matter of complaint may be heard and determined by a Magistrates Court constituted by 1 justice.

Section 30 – Magistrates

(1) A magistrate constituting a Magistrates Court shall have power to do alone whatever might be done by 2 or more justices constituting a Magistrates Court, and shall have power to do alone any act which by any Act may or shall be done by 2 or more justices.

(2) Unless otherwise expressly provided, when a magistrate is present at a place appointed for holding Magistrates Courts and is available to constitute any such court to be held at that place the court shall be constituted by the magistrate alone.

(3) Nothing in subsection (2) shall be construed to abridge or prejudice the ministerial power of justices in taking an examination of witnesses in relation to an indictable offence, or the powers of justices to receive a complaint or to issue, grant or endorse a summons or warrant, to grant bail or to adjourn a hearing of a complaint of a simple offence or breach of duty.

Section 56 – Service of summonses

(1) A summons shall be properly served upon the person to whom it is directed if it is served in accordance with this subsection, that is to say—

(a) in the case of a summons directed to a person to appear to answer a complaint of a simple offence or breach of duty—by posting (by means of registered post) a copy thereof addressed to the person at the person's place of business or residence last known to the complainant at least 21 days before the date on which the defendant is, by the summons, required to appear; or

- (b) in all cases (including the case referred to in paragraph (a))—by delivering a copy thereof to the person personally or, if the person cannot reasonably be found, by leaving a copy thereof with some person for the person at the person’s usual place of business or residence or place of business or residence last known to the person who serves the summons.
- (2) Save where it appears that the person to whom a copy of a summons was posted addressed to the person at an address in this subsection specified was not, to the knowledge of the complainant, at the time of posting, residing or carrying on business at such address, it shall be sufficient compliance with subsection (1)(a) if the copy summons is addressed to an address as follows—
 - (a) in the case of an offence arising out of the driving or use of a motor vehicle or an attempt so to do—the address appearing as the address of the person on a driver licence produced by the person at or about the time of the alleged offence or upon the investigation thereof;
 - (b) in the case of an offence alleged against a person as owner of a vehicle required to be registered under the [*Transport Operations \(Road Use Management\) Act 1995*](#)—the address appearing in the current certificate of registration of the vehicle under that Act, as the address of that person;
 - (c) in the case of any other offence or breach of duty—the address appearing as the address of the person in any licence or registration for the time being in force pertaining to such person or to any property of which the person appears to be the owner or occupier and which licence or registration such person holds or has effected under the [Act](#) against or under a provision of which the offence or breach is alleged to have been committed.
- (3) The person who serves a summons shall either—
 - (a) attend personally before the Magistrates Court, or, as the case may be, the justices taking the examination of witnesses in relation to an indictable offence, at the place and time for hearing mentioned in the summons and, if necessary, at any extended time therefore, to depose, if necessary, to the service thereof; or
 - (b) attend before any justice of the peace having jurisdiction in the State or part of the State or part of the Commonwealth in which such summons was served and depose, on oath and in writing endorsed on a copy of the summons, to the service thereof.
- (4) Where a summons is served as prescribed by subsection (1)(a)—
 - (a) the person who serves the summons shall, in the person’s deposition as to service endorsed on a copy of the summons under subsection (3), state the time and place at which the person posted the copy of the summons; and

- (b) the complainant shall depose, on oath and in writing endorsed on the copy of the summons endorsed under subsection (3), that the address to which a copy of the summons was posted is (if such be the case) the defendant's address last known to the person and as to the person's means of knowledge.
- (5) Every such deposition shall, upon production to the Magistrates Court by which or to the magistrate by whom the complaint upon which the summons issued, is heard, or, as the case may be, to the justices who take the examination of witnesses in relation to an indictable offence in respect of that complaint, be evidence of the matters contained therein and be sufficient proof of the service of the summons on the defendant.
- (6) Where proof is required in any proceeding of the service of a document which—
- (a) pursuant to any enactment or rule of law may be served in the same manner as a summons may be served under this Act; or
 - (b) is served at the same time as, and in connection with, a summons served under this Act;
- the provisions of subsection (1) shall apply and be construed as if a reference in that subsection to a summons were a reference to such a document.
- (7) The person who serves the document may attend before any justice having jurisdiction in the State or part of the State or part of the Commonwealth in which such document was served and depose on oath and in writing endorsed on the document to the service thereof.
- (8) The deposition made under subsection (7) is, on production to the Magistrates Court or justices—
- (a) evidence of the matters contained in the deposition; and
 - (b) sufficient proof of the service of the document on the defendant.
- (9) In this section—
- motor vehicle** see the [*Transport Operations \(Road Use Management\) Act 1995*](#).