

AUSTRALIA / JUDGMENT

Re Ridge, O. [1994] FCA 928

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FEDERAL COURT OF AUSTRALIA NEW SOUTH WALES REGISTRY No. NB 2596 of 1991

GENERAL DIVISION

RECEIVED ~2 DEC 1994

FEDERAL COURT OF

AUSTRALIA PRINCIPAL REGISTRY

CORAM: SACKVILLE J. PLACE: SYDNEY DATE: 22 NOVEMBER, 1994

HIS HONOUR: This is an application by the bankrupt, Mr Owen John Ridge. Pursuant to s.33(1)(c) of the Bankruptcy Act 1966, Mr Ridge seeks an order that abridges the three year period concerning his eligibility for discharge from bankruptcy that otherwise would apply pursuant to s.149(3) of the Bankruptcy Act

1966. The chronology has been outlined by Mr Cruickshank, who appears on behalf of the Official Trustee in this matter.

The circumstances appear to be that the date of bankruptcy was 6 September 1991. A statement of affairs was provided by the bankrupt on 23 September 1991. In the ordinary course of events that statement of affairs should have been filed in the Court within a very short time of it having been provided. For reasons that do not presently matter, this was not done until 19 June

1992. The ordinary consequence pursuant to s.149(3) would be

~2- that the bankrupt would not be entitled to be discharged for a period of three years from the date of filing of the statement of affairs. The three year period would not expire therefore until 19 June 1995.

Had the statement of affairs been filed as the bankrupt might have expected, then he would have been discharged on or about 24 September 1994. Mr Ridge has indicated that he does not seek to have an order abridging time prior to today's date. Accordingly, having regard to the decision of Burchett J in Re Rohde (1993) 42 FCR 149, which provides authority for the course of action I am about to adopt, I order that the period of three years from the date of filing of the statement of

affairs provided for in 8.149(3), should be abridged to a date expiring today, Tuesday 22 November 1994.

Mr Cruickshank has indicated that he considers it an appropriate course that I should declare that the filing of the statement of affairs that took place, so I am informed on 19 June 1992, was an effective filing for the purposes of s.149(3)(a) of the Bankruptcy Act 1966. Accordingly, the bankrupt has fulfilled the

requirement of filing his statement of affairs and I so declare. I also declare that by virtue of s.149(3), the bankrupt will be

discharged from bankruptcy as from today, 22 November 1994.

I certify that this and the preceding 1 page are a true copy of the Reasons for Judgment of the Honourable Justice Sackville.

Associate: yA & fe. —h

Dated: 1 December, 1994

Heard: 22 November, 1994

Place: Sydney

Decisions 22 November, 1994

Appearances: Mr Cruickshank instructed by Heidtman & Co, Solicitors, appeared for the Official Trustee.

The debtor appeared in person.

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