



Constitution

Gungahlin United Football Club

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DEFINITIONS

"**The Act**" means the Associations Incorporation Act 1991.

"**AGM**" means Annual General Meeting.

"**The Club**" or "**GUFC**" means Gungahlin United Football Club (ACT) Inc.

"**Club Official**" means a member of the Executive Committee, non-executive appointment or a coach or a manager of any of the Club's teams, or a volunteer with the club.

"**Executive Committee**" means the Committee Members listed in Part 3.1.

"**Football**" means "Association Football" as recognised by FIFA from time to time. Football includes the games of football, soccer football, indoor or five a side (futsal) football and beach football.

"**FFA**" means the Football Federation of Australia.

"**Member**" means a current member of the Club who is the holder of one or more of the types of memberships set out in Part 2.1.

"**SGM**" means Special General Meeting.

PART 1 - THE CLUB

1.1 NAME

1.1.1 The name of the Club is Gungahlin United Football Club (ACT) Inc.

1.2 INCORPORATION

1.2.1 The Club is incorporated under the Associations Incorporation Act 1991 (ACT).

1.3 AIMS

1.3.1 The Club's aim is to provide the best environment for the participation and fullest development of its members in Football. This will be achieved by:

- (a) Providing a safe and enjoyable organisation and environment in which Members can participate and engage in Football at a reasonable cost and follow the pathways to professional football.
- (b) Giving everyone who wants to participate in Football the opportunity to do so in a safe and welcoming environment.
- (c) Ensuring that across all of the Club, all Members are collectively doing everything possible to build and develop successful teams, male and female, at every age and level of ability.
- (d) Providing strong governance, making the best decisions for all, and working together with the Club's committees, members and other stakeholders to develop the right basis on which the Club will operate.

1.4 VALUES

- 1.4.1 At the Gungahlin United Football Club, we are strongly committed to the values which define what the club believes in and what kind of behaviour is expected from all those involved. The club values can be found at:

<http://gungahlinunitedfc.org.au/wordpress/wp-content/uploads/2017/02/DRAFT-VALUES-DOCUMENT.pdf>

1.5 CLUB LOGO

- 1.5.1 The Club will own and maintain a logo for exclusive use by the Club and approved partners. No person may use the Club's logo for any purpose whatever without the written permission of the Executive Committee.
- 1.5.2 The Club, through the Executive Committee, retains all rights relating to the use of the Club Name, Logos, trademarks (or signs), designs, equipment including computer software, images (including photographs, videos or films) or service marks relating to the Club or any activity of or conducted, promoted or administered by the Club.
- 1.5.3 The Executive Committee may take whatever action it deems necessary, including legal action, against any Member or sponsor or any other person who uses the Club name or logo without its written authorisation.
- 1.5.4 At no point may the logo be altered in any way without the written consent from the Executive Committee.

1.6 CLUB POLICIES AND PROCEDURES

- 1.6.1 The Executive Committee, on behalf of the Club, will maintain the necessary policies and procedures to enable it to properly and lawfully operate and all Members must abide by those policies and procedures.

PART 2 – MEMBERSHIP OF THE CLUB

2.1 TYPES OF MEMBERSHIP

- 2.1.1 Membership of the Club will consist of the classes of Members set out below. Other than for Life Members, the Executive Committee may, in its absolute discretion, prescribe the Fees and any rights or benefits (except for voting rights, which are set out in Part 2.2) for each class of Membership as and when it considers appropriate.

- (a) **Life Member.** A person is eligible to be nominated as a Life Member of the club if:
- (i) They have been a member for more than ten years and have served on the Executive Committee for at least five years during that time; or
 - (ii) They have been a club official for at least ten years; or
 - (iii) A majority of the Executive Committee agree that they have rendered significant service to the club.

- (iv) Nominations for a Life Member must be in writing specifying the reasons for nomination and submitted to the Secretary at least 14 days prior to an Annual General Meeting or Special General Meeting.
 - (v) A nominee is admitted to Life Membership if the Executive Committee recommend that the nominee be admitted to Life Membership and the recommendation is approved by a simple majority of Members present at the Annual General Meeting or Special General Meeting at which the recommendation is considered.
- (b) **Member.** A Member is a person, eighteen (18) years of age or above, who will have duly applied to be a Member of the club and will have paid the appropriate Membership Fee (includes senior registered players). For clarity, one non-playing parent/guardian is deemed to be a Member on behalf of one or more registered junior dependents from the same family. Members are entitled to attend and/or vote at any meeting of the club.
- (c) **Other Classes of Membership.** The Executive Committee may establish other classes of membership from time to time.

2.2 VOTING RIGHTS

- 2.2.1 Except where otherwise provided in this Constitution, all Members are eligible to vote at Annual General Meetings and Special General Meetings.

2.3 MEMBERSHIP APPLICATION AND FEES

- 2.3.1 The Executive Committee will from time to time determine the Membership Fees that are applicable to each class of membership and the times for payment of such Membership Fees.
- 2.3.2 To obtain membership a person must apply by self-register and payment of the appropriate fee (if any) through the approved Capital Football registration system. Alternatively, complete and sign the membership application in the form determined by the Executive Committee and pay the applicable Membership Fee.
- 2.3.3 For clarity, one parent or legal guardian is deemed to have applied and obtained a Full Membership upon registration acceptance of one or more junior playing dependents from the same family.
- 2.3.4 Subject to the above, and the prior completion of any additional Club membership requirements (if any), the applicant becomes a member of the Club, unless the applicant's application for registration or Club membership is refused by the Executive Committee.
- 2.3.5 Membership of the Club will be for one year (or part thereof). A Member's membership will commence on payment of the Membership Fee for that year and such membership will cease immediately after the last day of that calendar year.
- 2.3.6 No Member whose Membership Fee is unpaid or who owes any money to the Club for arrears of Membership Fees or fines, will be entitled to vote at any meeting or upon any ballot, or be eligible to be elected or appointed as a Club Official.
- 2.3.7 The Executive Committee, in its absolute discretion and without having to give reasons:

- (a) have the right to refuse any application for Membership; and
- (b) must not accept more than one application for Membership from any individual person.

2.4 REGISTER OF MEMBERS

- 2.4.1 The Club will cause to be kept a register of Members which will contain the full names, phone numbers, email address, and physical addresses of Members, together with their respective Membership number. Upon application for or renewal of Membership, the Secretary will cause the required details to be entered into the register of members. All such entries will be made within one month after receipt of such application for Membership has been received.
- 2.4.2 The register of Members may be kept using such technological means as the Executive Committee may determine from time to time.
- 2.4.3 A Member changing their name and/or address must immediately notify the Club in writing (e.g. email) of such change.

2.5 RESIGNATION

- 2.5.1 A Member may resign from the club by giving written notice to the Secretary of his or her resignation and returning all equipment and property in his or her possession.

2.6 DISCIPLINE

- 2.6.1 All Members are subject to the Constitution, by-laws, Policies, both the Football Federation Australia National Code of Conduct and the Club Code of Conduct Statement and the Football Federation Australia Spectator Code of Behaviour. These can be found on the Club website
http://gungahlinunitedfc.org.au/wordpress/?page_id=349
- 2.6.2 If a Member breaches any provision of the Constitution, or any Club policy or procedure, or any Code of Conduct, or where a charge of bringing the Club into disrepute has been made against a member, the Executive Committee may act to examine the circumstances of the breach or charge in accordance with the Gungahlin United Football Club Disputes and Disciplinary Policy on the Club website.
- 2.6.3 The Executive Committee will have complete discretion as to what, if any, action is taken.

2.7 CODE OF CONDUCT

- 2.7.1 Members may also be subject to a separate code of conduct in respect of any position they may hold within the Club.

PART 3 – THE CLUB COMMITTEE

3.1 EXECUTIVE COMMITTEE

- 3.1.1 There will be an Executive Committee which will manage and oversee the operational affairs of the Club. The Executive Committee may authorise the establishment and disbandment of sub-committees as it sees fit.
- 3.1.2 The Executive Committee shall be comprised of no more than seven (7) positions as follows:
- (a) Principal Executive
 - (b) General Manager Commercial
 - (c) General Manager Sports
 - (d) Secretary
 - (e) Treasurer
 - (f) Director Premier League
 - (g) Director Community
- 3.1.3 Each position on the Executive Committee will be for a term of four years. The members elected shall take up their positions immediately following the conclusion of the Annual General Meeting. Each position on the Executive Committee shall be entitled to one vote at all Executive Committee meetings.
- 3.1.4 Executive Committee Members shall be eligible for re-election. A member may serve a maximum of two terms.
- 3.1.5 No Person may hold more than one position on the Executive Committee.
- 3.1.6 The Executive Committee will prepare and retain position descriptions for all Executive Committee positions. The Executive Committee has the right to modify the position description at any time with the consent of the member holding the position.
- 3.1.7 If any position on the Executive Committee becomes vacant, the Executive Committee may appoint any Member to that position until the next Annual General Meeting, when an election for the position shall take place and clause 3.1.3 shall apply.

3.2 BOARD APPOINTMENTS

- 3.2.1 The Gungahlin United Football Club Executive Committee may appoint, at any time, a Board to jointly oversee the activities of Gungahlin United Football Club. The Board may comprise a Chairman, Managing Director, Executive Director, Non-Executive Director Finance and Non-Executive Director Legal. The Board will have a strategic function in providing the vision, mission and goals of Gungahlin United Football Club.

3.3 NON-EXECUTIVE APPOINTMENTS

3.3.1 The Executive Committee shall appoint the following positions or such other positions as the Executive Committee may create from time to time to facilitate effective and efficient Club operations:

- (a) Sales and Marketing Manager (inclusive of sponsorships)
- (b) Club Registrar
- (c) Property Manager
- (d) Grounds Manager
- (e) Media Manager
- (f) Volunteer Coordinator
- (g) Canteen Manager
- (h) Referee Coordinator
- (i) Child Welfare Officer
- (j) School Liaison Officer
- (k) Points Registrar

3.3.2 All non-executive appointments shall be appointed by the Executive Committee for a term of 1 year. The Executive Committee may reappoint a person on the expiry of their 1 year term.

3.3.3 The Secretary will retain position descriptions for all non-executive appointments.

3.3.4 The Executive Committee may abolish any position or create new positions as it sees fit in order to effectively and efficiently conduct Club operations.

3.4 NOMINATIONS AND ELECTIONS

3.4.1 All Members over the age of 18 shall be eligible for nomination to any Executive Committee position.

3.4.2 All nominations for Executive Committee positions must be seconded by another Member.

3.4.3 All written nominations must be sent to the secretary fourteen days prior to the Annual General Meeting. If no nominations are received in writing, nominations may be accepted from the floor at the Annual General Meeting.

3.4.4 If insufficient nominations are received to fill all available Executive Committee vacancies the candidates nominated shall be deemed to be elected.

3.4.5 If the number of nominations exceeds the number of vacancies to be filled, voting shall be conducted. A Member will be elected to a position by a simple majority of members entitled to vote and present at the Annual General Meeting. This is subject to clause 3.5.1.

3.5 RESIGNATION

3.5.1 Any Member mentioned within this Constitution may resign his or her position in writing to the Secretary giving four weeks' notice. The Secretary shall provide notice to the Principal Executive under the same duration.

3.6 EXPULSION

3.6.1 Members of the Club are subject to the constitution, by-laws, Policies and Code of Conduct as determined by Gungahlin United Football Club.

- 3.6.2 If a Member is alleged to have breached any provision of the Constitution, or any endorsed policy of the Club, or any part of the Code of Conduct or any applicable Capital Football or Football Federation Australia rule or regulation, or where a charge of bringing the Club into disrepute has been made against a member, the Executive Committee will act as per Clause 2.6 Discipline.
- 3.6.3 An Executive Committee member's position may be terminated by two thirds majority of an Executive Committee meeting if he or she fails to attend three consecutive Executive Committee meetings.

3.7 DISSOLUTION

- 3.7.1 At any time the Executive Committee may be dissolved by a two thirds majority of Members entitled to vote and present at a Special General Meeting called for that purpose.

PART 4 - MEETINGS

4.1 ANNUAL GENERAL MEETING

- 4.1.1 GUFC shall, at least once in each calendar year and within the period of five months after the expiration of each financial year of the Club, convene an Annual General Meeting of its members.
- 4.1.2 GUFC must give 28 days' notice to all members. This notice must specify the place, date, and time of the meeting. This notice must also be advertised in local media.
- 4.1.3 Notices of Motion for the Annual General Meeting and Nominations for Executive Committee positions must be in writing, and received by the Secretary no later than fourteen days prior to the Annual General Meeting.
- 4.1.4 The Secretary must circulate an agenda, including all Notices of Motion, to all members at least seven days prior to the Annual General Meeting.
- 4.1.5 The Agenda for the Annual General Meeting shall be:
- (a) Opening of the Meeting
 - (b) Apologies
 - (c) Confirmation of the Previous Annual General Meeting Minutes
 - (d) Report from the Principal Executive on behalf of Executive Committee
 - (e) Financial Report
 - (f) Appointment of the Auditor
 - (g) Election of Eligible Executive Committee Positions
 - (h) Notices of Motion
 - (i) Meeting Closed
- 4.1.6 The Principal Executive shall preside over the Annual General Meeting unless he or she is absent, in which case the General Manager Commercial shall preside.
- 4.1.7 No person eligible to vote may do so more than once on each motion.
- 4.1.8 A Quorum for the Annual General Meeting is when 10 members eligible to vote are present. If a quorum is not reached within 30 minutes from the nominated start time, those present shall determine a date within one month to reconvene the meeting.

- 4.1.9 A Member not physically present at an Annual General Meeting may participate in the meeting by use of technology that allows that Member and the Members present at the meeting to clearly and simultaneously communicate with each other, subject to such reasonable requirements regarding the use of such technology as the Executive Committee may determine.
- 4.1.10 The Chair may, having regard where necessary to the Act, terminate discussion on any matter whenever they consider it necessary or desirable for the proper conduct of the meeting.
- 4.1.11 A “**Returning Officer**” shall be appointed by the Executive Committee at least 14 days before each Annual General Meeting and Special General Meeting and that Returning Officer shall be responsible for the conduct of all elections at that general meeting.

4.2 SPECIAL GENERAL MEETING

- 4.2.1 A Special General Meeting may be called by a two thirds majority of the Executive Committee.
- 4.2.2 A Special General Meeting shall also be called when the Executive Committee is presented with a notice signed by no less than 25% of Members present at the Special General Meeting.
- 4.2.3 All members must be given 21 days’ notice of a Special General Meeting, this notice must specify the place, date, and time of the meeting.
- 4.2.4 The Secretary must provide the agenda and all related material to Members at least seven days prior to the meeting.
- 4.2.5 A Member not physically present at a Special General Meeting may participate in the meeting by use of technology that allows that Member and the Members present at the meeting to clearly and simultaneously communicate with each other, subject to such reasonable requirements regarding the use of such technology as the Executive Committee may determine.

4.3 EXECUTIVE COMMITTEE MEETING

- 4.4.1 The Executive Committee shall meet at least once every Calendar month and at any other time as directed by the Principal Executive.
- 4.4.2 The Secretary shall provide seven days’ notice to all Executive Committee Members of the meeting.
- 4.4.3 A quorum for an Executive Committee meeting is formed when four (4) of the seven (7) Executive Committee members are present.
- 4.4.4 The Executive Committee Meeting must be chaired by the Principal Executive. If a meeting is convened and there is no Principal Executive or is unable or unwilling to act, the Executive Committee members present shall appoint a member to preside as chair for that meeting.
- 4.4.5 The Chair may, having regard where necessary to the Act, terminate discussion on any matter whenever they consider it necessary or desirable for the proper conduct of the meeting.

PART 5 – FINANCES

5.1 REVENUE

- 5.1.1 The Club may raise funds by any lawful means but all fund-raising activities must be agreed to by the Executive Committee.
- 5.1.2 All moneys received on behalf of Gungahlin United Football Club shall be deposited in a nominated account as the Executive Committee sees fit.

5.2 EXPENSES

- 5.2.1 The income and property of Gungahlin United Football Club (which includes the Club logo) shall be used solely for the Aims of the club, in accordance with such policies and procedures as are in place from time to time and as may be determined by the Executive Committee.
- 5.2.2 No payments shall be drawn on any account of the Club except for the payment of the normal running costs of Gungahlin United Football Club as may be determined by the Executive Committee, or other expenditure as authorised by the Executive Committee.
- 5.2.3 No Director is entitled to remuneration or payment of services to the Club. However, a Director may be reimbursed, with the majority approval of the Executive Committee for reasonable expenses incurred when engaged on the affairs of the Club.
- 5.2.4 The Executive Committee is authorised to set a remuneration or payment in good faith to any Club Official (not including Director) for services provided to the Club for effective and efficient Club operations.

5.3 AUTHORITY

- 5.3.1 All accounts of the Club shall be operated by a minimum of two authorised signatories who shall be drawn from the Executive Committee.

5.4 AUDIT

- 5.4.1 An External Auditor shall be appointed at the Annual General Meeting.
- 5.4.2 The Auditor shall examine and audit all the books and accounts of Gungahlin United Football Club annually, and have the power to call for all books, accounts, papers, receipts, records etc. of the Club and to report thereon to the Annual General Meeting.
- 5.4.3 The financial year for the Club is 1 January to 31 December.

5.5 COMMON SEAL

- 5.5.1 The common seal of the Club must be kept in the custody of the Secretary.
- 5.5.2 The common seal must not be attached to any instrument except by the authority of the Executive Committee and the attaching of the common seal must be attested by 2 signatures of the Executive Committee.

PART 6 – CHILD WELFARE

6.1 PROTECTION FOR CHILDREN AND OTHERS

- 6.1.1 Gungahlin United Football Club is committed to the safety and wellbeing of all children and young people, particularly but not limited to those who are registered players. Gungahlin United Football Club supports the rights of the child and will act without hesitation to ensure that a child-safe environment is maintained at all times. Gungahlin United Football Club also supports the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.
- 6.1.2 Gungahlin United Football Club requires that every Club Official, within one month of his or her election or appointment, as the case may be, will apply for and obtain and retain, for the duration of his or her position, a registration card under section 49 of the Working With Vulnerable People (Background Checking) Act 2011. Refer to Gungahlin United Football Club Working With Vulnerable People Policy on the Club website.
- 6.1.3 A Club Official must immediately report to the Executive Committee any act or other thing by which he or she reasonably believes that a child may have been harmed or may be likely to suffer any harm whatever. Failure to do so may result in disciplinary measures.

6.2 CHILD SUPERVISION

- 6.2.1 In accordance with section 6.1, Gungahlin United Football Club promotes the supervision of all children and young people by a responsible parent or guardian at all times. Parents and Guardians are responsible for the physical supervision of children at all times whilst engaging the services of the club. Parents or Guardians who fail to provide supervision for a child or young person may be referred to the Executive Committee and dealt with in accordance with clause 6.5 Disciplinary Measures.

6.3 ALCOHOL

- 6.3.1 No Alcohol shall be consumed by any member or spectator at a Match involving players under the legal age of drinking outside of designated alcohol consumption areas in accordance with the ACT Liquor Act 2010.

<http://www.legislation.act.gov.au/a/2010-35/current/pdf/2010-35.pdf>

6.4 COMPLAINTS

- 6.4.1 Any person may make a complaint to the Club under this Part 6.
- 6.4.2 All complaints made under this Part 6 will be kept confidential and will not be disclosed to another person without the complainant's consent unless the law requires disclosure or if disclosure is necessary to effectively deal with the complaint.
- 6.4.3 Upon Receipt of a written or oral complaint, the Executive Committee will appoint, at its complete discretion, an independent person(s) to investigate each claim made in accordance with the Gungahlin United Football Club Disputes and Disciplinary Policy located on the Club website.

- 6.4.4 If the complaint involves a person who is not a Club Member, it shall be referred directly to the local Football Federation Australia governing body. However, the Club may take such interim steps to protect its Members and players as the Executive Committee deems necessary.

6.5 DISCIPLINARY MEASURES

- 6.5.1 An independent person(s) instituted under this Part 6 may make such recommendations to the Executive Committee as it believes necessary. This includes but is not limited to, written warning, expulsion, or referral to local law enforcement agencies.

PART 7 – DISPUTES AND DISCIPLINARY

- 7.1.1 All Members are subject to, and all complaints, allegations and charges will be dealt with, in accordance with the Football Federation Australia Disciplinary Regulations <http://capitalfootball.com.au/sites/default/files/20170220%20-%20PLC%20-%20Capital%20Football%20Disciplinary%20Regulations%20%282%29.pdf>

and the Gungahlin United Football Club Disputes and Disciplinary Policy located on the Club website.

- 7.1.2 In the case of a conflict between the Football Federation Australia Disciplinary Regulations and the Gungahlin United Football Club Disputes and Disciplinary Policy the Gungahlin United Football Club Disputes and Disciplinary Policy shall take precedence.

PART 8 – BOOKS OF ACCOUNTS AND OTHER DOCUMENTS

- 8.1.1 Custody of the Books of Accounts will rest with the Treasurer and will be held on the Gungahlin United Football Club electronic document storage system approved by the Executive Committee.
- 8.1.2 The responsibility for taking of Minutes for Executive meetings will rest with the Secretary and the Minutes will be stored on the Gungahlin United Football Club electronic document storage system approved by the Executive Committee.
- 8.1.3 All scheduled Club meetings, Commercial, Technical, or otherwise, shall abide by an agenda. Minutes of said meeting shall be stored on the Gungahlin United Football Club electronic document storage system approved by the Executive Committee.
- 8.1.4 Any member, during a general meeting, may examine any book of account, bank record, receipts and invoices, and/or any other document pertaining to the conduct of the Clubs' business.

PART 9 – CONSTITUTIONAL AMENDMENTS

- 9.1.1 No part of this Constitution shall be changed unless approved by a three quarters majority of members entitled to vote and present at an Annual General Meeting, or at a Special General Meeting called for that purpose.
- 9.1.2 The Secretary shall provide notice of all motions to change the Constitution to members at least fourteen days prior to an Annual General Meeting or fourteen days prior to a Special General Meeting called for that purpose.

PART 10 – DISSOLUTION

10.1.1 Gungahlin United Football Club shall be dissolved if:

- (a) a resolution to this effect is carried by a Special General Meeting, twenty eight days of notice of the proposed resolution having been given; or
- (b) financial membership drops to ten or less members; or
- (c) the Club becomes insolvent.

10.1.2 If upon the dissolution of Gungahlin United Football Club there remains, after satisfaction of all debts and liabilities, any property or funds whatsoever, the same shall not be distributed or paid among the members of the club but shall be transferred or given to an Association or institution having objectives similar to those of the Association, to be determined by members of the Association at or before the time of dissolution, and in default thereof as may be directed upon application to the Supreme Court of Australia in that behalf.