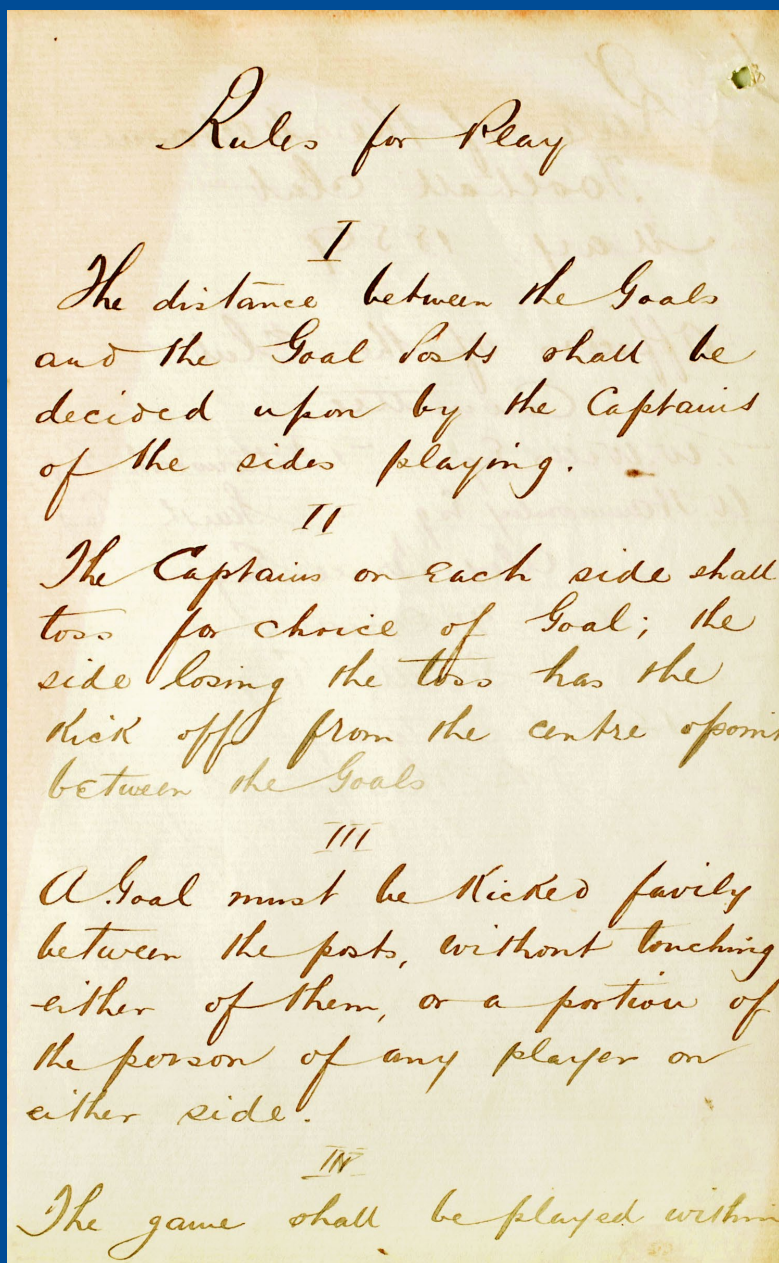


Statement of Recommendation from the Executive Director, Heritage Victoria

Rules of the Melbourne Football Club, PROV H2428

Melbourne Cricket Ground, Brunton Avenue, East Melbourne, Melbourne City

Wurundjeri Country



Executive Director recommendation

Under section 37 of the *Heritage Act 2017* (**the Act**) I recommend to the Heritage Council of Victoria (**Heritage Council**) that the Rules of the Melbourne Football Club, located at the Melbourne Cricket Ground, Brunton Avenue, Melbourne is of State-level cultural heritage significance and should be included in the Victorian Heritage Register (**VHR**) in the category of Registered Object.

In accordance with section 38 of the Act I include in this recommendation categories of works or activities which may be carried out in relation to the object without the need for a permit under Part 5 of the Act.

I suggest that the Heritage Council determine that:

- the Rules of the Melbourne Football Club is of State-level cultural heritage significance and is to be included in the VHR in accordance with section 49(1)(a) of the Act
- the proposed categories of works or activities which may be carried out in relation to the object for which a permit under the Act is not required will not harm the cultural heritage significance of the object under section 49(3)(a) of the Act.



STEVEN AVERY
Executive Director, Heritage Victoria

Date of recommendation: 18 November 2024

The process from here

1. The Heritage Council publishes the Executive Director's recommendation (section 41)

The Heritage Council will publish the Executive Director's recommendation on its website for a period of 60 days.

2. Making a submission to the Heritage Council (sections 44 and 45)

Within the 60-day publication period, any person or body may make a written submission to the Heritage Council. This submission can support the recommendation, or object to the recommendation and a hearing can be requested in relation to the submission. Information about making a submission and submission forms are available on the Heritage Council's website.

3. Heritage Council determination (sections 46, 46A and 49)

The Heritage Council is an independent statutory body. It is responsible for making the final determination to include or not include the place, object or land in the VHR or amend a place, object or land already in the VHR.

If no submissions are received the Heritage Council must make a determination within 40 days of the publication closing date.

If submissions are received, the Heritage Council may decide to hold a hearing in relation to the submission. The Heritage Council must conduct a hearing if the submission is made by a person or body with a real or substantial interest in the place, object or land. If a hearing does take place, the Heritage Council must make a determination within 90 days after the completion of the hearing.

4. Obligations of owners of places, objects and land (sections 42, 42A, 42B, 42C, 42D and 43)

The owner of a place, object or land which is the subject of a recommendation to the Heritage Council has certain obligations under the Act. These relate to advising the Executive Director in writing of any works or activities that are being carried out, proposed or planned for the place, object or land.

The owner also has an obligation to provide a copy of this statement of recommendation to any potential purchasers of the place, object or land before entering into a contract.

5. Further information

The relevant sections of the Act are provided at Appendix 1.

Description

The following is a description of the Rules of the Melbourne Football Club at the time of an inspection by Heritage Victoria in July 2024.

The Rules of the Melbourne Football Club is a small, handwritten document. It is held in the archives of the Melbourne Cricket Club (MCC) at the Melbourne Cricket Ground (MCG), which is located on Wurundjeri Country in Melbourne.

The document consists of five pages of buff paper, approximately A5 in dimension. Four of the pages have been written on both sides of a single sheet of paper which has been folded in half. The final page is an additional single half sheet, which has writing on one side only. There is a small hole in the upper left-hand corner indicating the sheets were held together with a fixture at some point.

The first page bears the title 'Rules of the Melbourne Football Club' and the date May 1859. It also includes the names of the 'Officers of the Club Committee'. The remainder of the document reads as follows:

Rules for Play

I The distance between the Goals and the Goal Posts shall be decided upon by the Captains of the sides playing.

II The Captains on each side shall toss for choice of Goal; the side losing the toss has to Kick off from the centre point between the Goals.

III A Goal must be Kicked fairly between the posts, without touching either of them, or a portion of the person of any player on either side.

IV The game shall be played within a space of not more than 200 yards wide, the same to be measured equally on each side of a line drawn through the centres of the two Goals; and the two posts to be called the 'Kick off' posts shall be erected at a distance of 30 yards on each side of the Goal posts at both ends, and in a straight line with them.

V In case the Ball is Kicked behind Goal, any one of the side behind whose Goal it is Kicked may bring it 20 yards in front of any portion of the space between the 'Kick off' posts, and shall Kick it as nearly as possible in a line with the opposite Goal.

VI Any player catching the Ball directly from the foot may call "mark". He then has a free Kick; no player from the opposite side being allowed to come inside the spot marked.

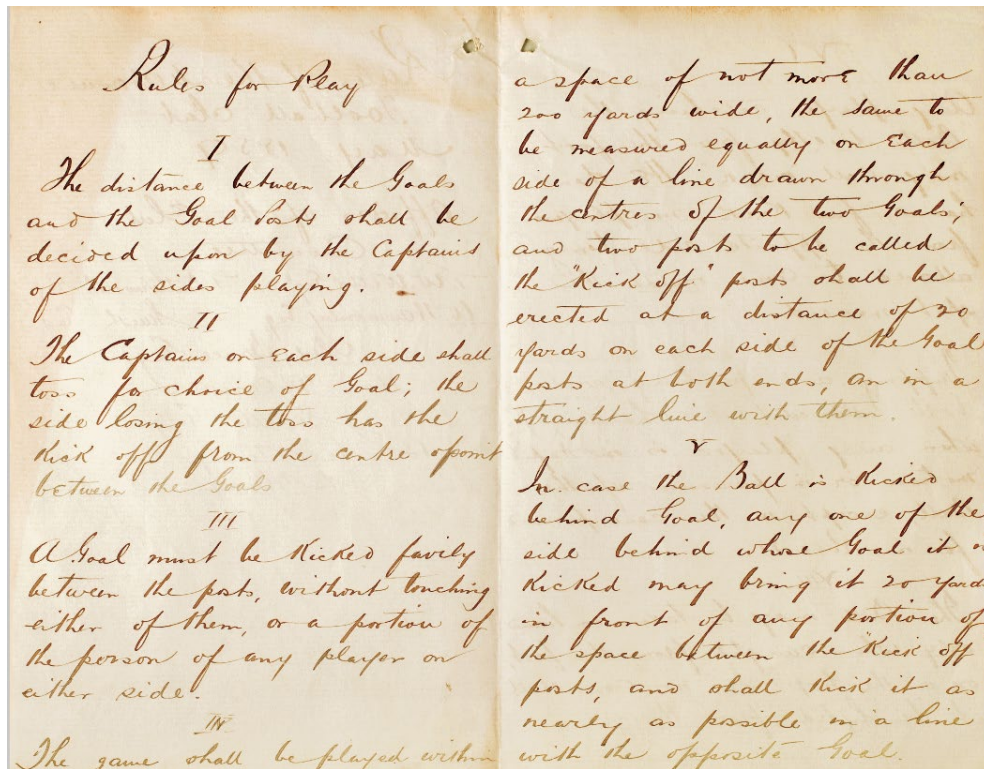
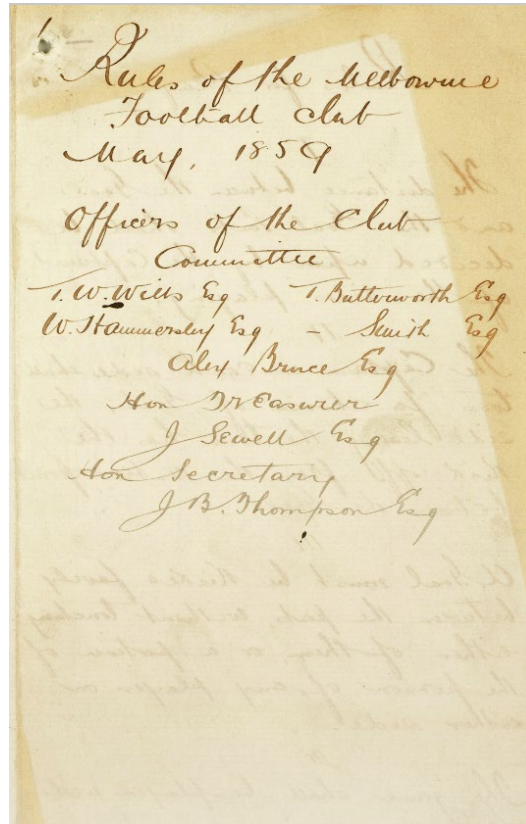
VII Tripping and pushing are both allowed (but no hacking) when any player is in rapid motion or in possession of the Ball, except in the case provided for in Rule VI.

VIII The Ball may be taken in hand only when caught from the foot, or on the hop. In no case shall it be lifted from the ground.

IX When the Ball goes out of bounds (the same being indicated by a row of posts) it shall be brought back to the point where it crossed the boundary-line, and thrown in at right angles with that line.

X The Ball, while in play, may under no circumstances be thrown.

Description images



VI

Any player catching the Ball directly from the foot may call "mark". He then has a free kick, no players from the opposite side being allowed to come inside the spot marked.

VII

Tripping and pushing are both allowed (but no hacking) when any player is in rapid motion or in possession of the Ball, except in the case provided for in Rule VI.

VIII

The Ball may be taken in hand only when caught from the foot, or on the top. In no case shall it be lifted from the ground.

IX

When a Ball goes out of bounds (the same being indicated by a row of posts) it shall be brought back to the point where it crossed the boundary-line, and thrown in at right angles with that line.

X

The Ball, while in play, may under no circumstances be thrown.

History

Marn-grook and Aboriginal football

Prior to and following British settlement and colonisation, Aboriginal people in south-eastern Australia played various forms of football. From at least the 1840s onwards European settlers and anthropologists recorded their impressions of local versions of football played by Aboriginal people throughout what is now Victoria. For example, William Thomas, Assistant Protector of Aborigines in the Port Phillip Protectorate, is recorded as having observed in 1841, a game played by Wurundjeri men that involved kicking a possum skin ball and leaping to great heights to catch the ball. In 1857, William Blandowski created sketches of Nyeri Nyeri people in the Mallee region playing a game with a ball kicked in the air with the aim of keeping the ball in the air for as long as possible.¹ Mukjarrawaint man Johnny Connolly from the Gariwerd region of Victoria described a practice to anthropologist William Howitt that involved playing a game centred on kicking a ball, with sides of both men and women divided along totem lines.² The term *marn-grook* has come to be widely used for all Aboriginal versions of football.

The issue of whether the founders of Australian rules football were influenced by *marn-grook* has been a topic of sustained examination and debate amongst historians and others. The debate particularly centres on Tom Wills, who was a founding member of the Melbourne Football Club and key figure in the formulation of the Rules of the Melbourne Football Club. Wills lived in western Victoria and is known to have grown up living alongside Aboriginal people. Some historians have concluded that it follows that Wills was influenced by *marn-grook* when he came to establish rules for a uniquely Australian version of football. Others have refuted the idea based on a lack of written documentary evidence.³ Given that there is also evidence that Wills participated in the murder of Aboriginal people in Queensland in the 1860s, his legacy regarding interactions with Aboriginal people is complex.⁴ Regardless, there is evidence that football has a long history in Victoria that pre-dates the writing of the rules in 1859 and the establishment of the code. Since the codification of the sport known as Australian rules football, Aboriginal people and communities have been integral to its growth, popularity and evolution.

Early games of football in Melbourne

Colonists in early Melbourne brought with them various kinds of football from their homes in England, Scotland and Ireland.⁵ There are accounts of different imported styles of football being played in Melbourne from the 1840s. These were casual matches generally organised around holidays or celebrations. There was, however, no regular competition, formalised clubs or agreed set of rules.⁶ Football became more prominent in the late 1850s, when cricketers, schoolboys and others began playing informal matches.

In Britain at this time there was no shared 'common code' of football, and migrants to Australia brought multiple footballing traditions with them.⁷ This included versions of football played in communities across the British Isles as well as versions played at elite British public schools, all with different rules.⁸ In Victoria, games of football became increasingly popular but could be a frustrating experience. Different approaches to play resulted in low-scoring, confusing and occasionally violent matches.

In July 1858, Tom Wills, who was a talented cricketer and prominent sporting identity, advocated for the establishment of football in Melbourne in a letter in *Bell's Life*, a local sporting publication. He had recently attended Rugby School, and it is likely he envisaged a form of the Rugby game. Wills suggested that football should be taken up to keep cricketers fit during the winter. This public call from an influential sportsman was an important part of a larger impetus for the development of standardised football rules in Melbourne.

¹ The AFL's Aboriginal origins, <<https://aiatsis.gov.au/blog/afls-aboriginal-origins>>.

² The AFL's Aboriginal origins, <<https://aiatsis.gov.au/blog/afls-aboriginal-origins>>.

³ Jenny Hocking and Nell Reidy, 'Marngrook, Tom Wills and the Continuing Denial of Indigenous History', *Meanjin*, Winter 2016 <<https://meanjin.com.au/essays/marngrook-tom-wills-and-the-continuing-denial-of-indigenous-history/>>.

⁴ 'Research discovery suggests AFL pioneer Tom Wills participated in massacres of Indigenous people', ABC News, 18 September 2021, <<https://www.abc.net.au/news/2021-09-18/suggests-afl-pioneer-tom-wills-participated-indigenous-massacres/100463708>>.

⁵ Kate Gray, 'The Birthplace of the Rules of the Melbourne Football Club', *The Yorker*, Spring 2017.

⁶ David Thompson, *The Rules that made Australian Football*, Sydney: Walla Wall Press, 2013, p.7

⁷ David Thompson, *The Rules that made Australian Football*, Sydney: Walla Wall Press, 2013, p. 3.

⁸ From the 1860s sports like soccer and rugby were to undergo their own standardisation process.

Writing of the rules

On 17 May 1859, a group of Melbourne Football Club committee members met to draw up agreed rules for the football matches that were becoming increasingly popular amongst boys and men in Melbourne. The rules committee – Tom Wills, William Hammersley, James Thompson (all accomplished cricketers) and Thomas Henry Smith (a teacher at Scotch College) – met at the Parade Hotel in Jolimont (now re-developed into apartments) to undertake the task.⁹ The men involved in the formulation of the rules had attended elite English and Irish schools and universities, and it is likely they were informed by their experiences of the established football styles of those institutions.¹⁰ The committee ultimately decided on a simple approach suited to local conditions.¹¹ The result was a concise set of ten rules titled the ‘Rules of the Melbourne Football Club’ that could be easily understood by everyone who wanted to participate.¹² Hammersley later reflected that ‘we decided to draw up as simple a code of rules, and as few as possible, so that anyone could quickly understand.’¹³

The Rules of the Melbourne Football Club specifically prohibited ‘hacking’ (kicking in the shins) and throwing the ball. The lack of an offside rule allowed players to spread freely across the ground. Several of the rules, such as the awarding of a free kick to a player who ‘marked’ the ball, remain fundamentals of the modern game. Thompson and Hammersley, who were both journalists, effectively promoted the adoption of these rules via newspapers and sporting publications. Smith, who was a master at Scotch College, promoted use of the rules through schools.¹⁴ The rules proved popular and were quickly taken up by schools and sporting clubs throughout Melbourne.

In a national and international context, this was a particularly early and successful effort to establish a common set of football rules. The Rules of the Melbourne Football Club pre-date the rules of the Football Association and of the Rugby Football Union in England, which did not establish a common code until 1863 and 1871, respectively. The rules of Australian rules football have been continually expanded and updated.¹⁵ The 1859 rules were believed lost until one was rediscovered by the Melbourne Cricket Club in 1980.

Evolution of the code

The popularity of the code quickly grew beyond Melbourne, with a club being established in Geelong in 1859. As a result of their use, the rules were updated in 1860 by delegates from all senior clubs. The Melbourne Football Club Rules became ‘the legitimate uniform code of the colony.’¹⁶ The rules were then regularly amended through the 1860s and 1870s and approaches to play continued to evolve. Football matches were played in parklands and open areas like Yarra Park. By the 1870s, cricket grounds came to be used for playing the game and matches attracted up to 10,000 people.

In 1877, the Victorian Football Association (**VFA**) was established with five teams (Albert Park, Carlton, Hotham, Melbourne and St Kilda). The number of teams in VFA continued to expand through the 1870s and 1880s. In 1897, the leading clubs broke away to form a professional league known as the Victorian Football League which became the basis of the Australian Football League (**AFL**) still in operation today.¹⁷ Australian rules football evolved into the ‘pre-eminent code of football in Victoria’, and in time, ‘virtually every suburb had a football/cricket oval as a sign of its identity’.¹⁸ By the 1920s there were 1500 football clubs in Victoria following common rules which began as the ‘Rules of the Melbourne Football Club’ of 1859.

⁹ Kate Gray, ‘The Birthplace of the Rules of the Melbourne Football Club’, *The Yorker*, Spring 2017.

¹⁰ Marnie Haig-Muir, Peter Mewett and Roy Hay, *Sport in Victoria: A thematic history*, 2000, p. 32.

¹¹ Owen Smith, “Football” Smith, Mystery Man of the Melbourne Rules Committee’, *The Yorker*, Autumn 2020.

¹² Kate Gray, ‘The Birthplace of the Rules of the Melbourne Football Club’, *The Yorker*, Spring 2017.

¹³ Hammersley in 1883, in Owen Smith, “Football” Smith, Mystery Man of the Melbourne Rules Committee’, p. 4.

¹⁴ Marnie Haig-Muir, Peter Mewett and Roy Hay, *Sport in Victoria: A thematic history*, 2000, p. 32.

¹⁵ Football, Australian Rules, eMelbourne <www.emelbourne.net.au/biogs/EM00593b.htm>.

¹⁶ David Thompson, *The Rules that made Australian Football*, Sydney: Walla Wall Press, 2013, p. 2.

¹⁷ Marnie Haig-Muir, Peter Mewett and Roy Hay, *Sport in Victoria: A thematic history*, 2000, p. 32.

¹⁸ Marnie Haig-Muir, Peter Mewett and Roy Hay, *Sport in Victoria: A thematic history*, 2000, p. 32.

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Consultation and interviews

The Executive Director thanks April West, Collections Manager – Museums, Library and Archives, Melbourne Cricket Club and Australian Sports Museum, for her assistance during this assessment.

Further information

Traditional Owner Information

The object is located on the traditional land of the Wurundjeri people. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.

Native Title

Native title is the recognition in Australian law that some Aboriginal and Torres Strait Islander people continue to hold rights and interests in land and water. Native title is not granted by governments. It is recognised through a determination made by the Federal Court of Australia under the *Native Title Act 1993* (Cth).

In 2010, acknowledging the difficult nature of having native title determined under the Native Title Act, the Victorian Government developed an alternate system for recognising the rights of Victorian traditional owners. The *Traditional Owner Settlement Act 2010* (Vic) allows the government and traditional owner groups to make agreements that recognise traditional owners' relationship to land and provide them with certain rights on Crown land.

There is no Native Title determination or agreement under the Traditional Owner Settlement Act over the land the object is presently located on.

Victorian Aboriginal Heritage Register

The object is not included in the Victorian Aboriginal Heritage Register.

Marn-grook, or versions of football, have been played in south-eastern Australia by Aboriginal people long before the formal establishment of the code. Aboriginal people and communities have been integral to the growth, popularity and evolution to the code of Australian rules football.

That said, the Executive Director is of the view that the specific object proposed for inclusion in the VHR (the Rules of the Melbourne Football Club of 1859) is unlikely to have Aboriginal cultural heritage values. (November 2024)

Integrity

The integrity of the Rules of the Melbourne Football Club is excellent. The cultural heritage values of the Rules of the Melbourne Football Club can be easily read in the extant fabric.

(November 2024)

Intactness

The intactness of the Rules of the Melbourne Football Club is excellent.

(November 2024)

Condition

The condition of Rules of the Melbourne Football Club is excellent.

(November 2024)

Note: The condition of a place or object does not influence the assessment of its cultural heritage significance. A place or object may be in very poor condition and still be of very high cultural heritage significance. Alternatively, a place or object may be in excellent condition but be of low cultural heritage significance.

Heritage Overlay

N/A

Other Overlays

N/A

Other Listings

N/A

Other Names

Football rules, Rules of Australian Football

Date of construction/creation

1859

Architect//Builder/Designer/Maker

Melbourne Football Club

Statutory requirements under section 40

Terms of the recommendation (section 40(3)(a))

The Executive Director recommends that the Rules of the Melbourne Football Club be included in the VHR.

Information to identify the place or object or land (section 40(3)(b))

Number: PROV H2428

Category: Registered Object

Name: Rules of the Melbourne Football Club

Location: Melbourne Cricket Ground, Brunton Avenue East Melbourne

Municipality: Melbourne City

Proposed extent of registration

The Executive Director recommends that the extent of registration for the Rules of the Melbourne Football Club be gazetted as:

All of the original document entitled the 'Rules of the Melbourne Football Club' and dated May 1859 currently held in the Melbourne Cricket Club archives at the Melbourne Cricket Ground.

Rationale for the extent of registration

The recommended extent of registration comprises all of the object. The recommended extent is the same as the nominated extent.

Reasons for the recommendation, including an assessment of the State-level cultural heritage significance of the object (section 40(3)(c))

Following is the Executive Director's assessment of Rules of the Melbourne Football Club against the tests set out in [The Victorian Heritage Register Criteria and Thresholds Guidelines \(2022\)](#). A place or object must be found by the Heritage Council to meet Step 2 of at least one criterion to meet the State level threshold for inclusion in the VHR.

CRITERION A: Importance to the course, or pattern, of Victoria's cultural history.

Step 1 Test for Criterion A

| No. | Test | Yes/No | Reason |
|-----|---|--------|---|
| A1) | Does the place/object have a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history? | Yes | The object has a clear association with the establishment of Australian rules football. It represents the first successful attempt to agree upon, record and publish the rules of play for an Australian version of football. |
| A2) | Is the event, phase, period, process, function, movement, custom or way of life of historical importance, having made a strong or influential contribution to Victoria? | Yes | This phase is of historical importance having made a strong and influential contribution to Victoria. The establishment of a set of rules for football was a key moment in the development of a uniquely Australian form of football. The rules recorded in this document formed the basis for Australian rules football which has become a key part of Victoria's social and cultural life. |
| A3) | Is there evidence of the association to the event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history? | Yes | There is ample evidence of the association between the object and this historical phase. It is clearly identifiable as the original written rules of Australian rules football. The event of the writing of the rules is well documented. |

If A1, A2 and A3 are **all** satisfied, then Criterion A is likely to be relevant (but not necessarily at the State level)

| | | |
|--------------------------------|-----|---------------------------------------|
| Executive Director's Response: | Yes | Criterion A is likely to be relevant. |
|--------------------------------|-----|---------------------------------------|

Step 2 State-level test for Criterion A

| No. | Test | Yes/No | Reason |
|------|---|--------|---|
| SA1) | Does the place/object allow the clear association with the event, phase, period, process, function, movement, custom or way of life of historical importance to be understood better than most other places or objects in Victoria with substantially the same association? | Yes | The 'Rules of the Melbourne Football Club' is the founding document of Australian rules football. It represents the earliest successful attempt to establish uniform, shared rules for the game. It includes elements that would become identifying characteristics of Australian rules football, such as the protected status of a player who marks the ball. As an immensely popular sport, there are many places and objects in Victoria that enable the history of Australian rules football to be understood. These include football grounds and grandstands, as well as objects like uniforms, trophies and balls. Although many places and objects in |

Victoria may assist in understanding the history and development of the game, the 'Rules of the Melbourne Football Club' enables the establishment of the game to be clearly understood.

If SA1 is satisfied, then Criterion A is likely to be relevant at the State level

| | | |
|---------------------------------------|-----|--|
| Executive Director's Response: | Yes | Criterion A is likely to be relevant at the State level. |
|---------------------------------------|-----|--|

CRITERION B: Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

Step 1 Test for Criterion B

| No. | Test | Yes/No | Reason |
|------------|---|--------|---|
| B1) | Does the place/object have a clear association with an event, phase, period, process, function, movement, custom or way of life of importance in Victoria's cultural history? | Yes | As above, the object has a clear association with the establishment of Australian rules football. |
| B2) | Is there evidence of the association to the historical phases etc identified at B1)? | Yes | As above, there is ample evidence of an association between the object and the historical phase. |
| B3) | Is there evidence that place/object is rare or uncommon, or has rare or uncommon features? | Yes | There is evidence that the Rules of the Melbourne Football Club is rare as an intact surviving artefact of the foundations of the code. |

If B1, B2 AND B3 are satisfied, then Criterion B is likely to be relevant (but not necessarily at the State level)

| | | |
|---------------------------------------|-----|---------------------------------------|
| Executive Director's Response: | Yes | Criterion B is likely to be relevant. |
|---------------------------------------|-----|---------------------------------------|

Step 2 State-level test for Criterion B

| No. | Test | Yes/No | Reason |
|-------------|--|--------|---|
| SB1) | Is the object rare or uncommon, being one of a small number of places and objects remaining that demonstrates the event, phase, etc identified at B1)? | No | <p>Places: There are several places related to the early years of Australian rules football that demonstrate this history. These include places like Yarra Park (VHR H2251), Fawkner Park (VHR H2361) and the Melbourne Cricket Ground (VHR H1928).</p> <p>Objects: The Rules of the Melbourne Football Club is a singular object associated with the early years of Australian rules football. This does not make it rare.</p> <p>Better considered under Criterion A: The significance of the Rules of the Melbourne Football Club relates to the detail and clarity with which it enables the origins of the</p> |

code to be understood. In the ED's view, this is a characteristic best captured under Criterion A.

| | | | |
|-------------|--|----|--|
| SB2) | Is the place/object rare or uncommon, containing unusual features, and these features are of note and these features were not widely replicated in Victoria? | No | The Rules of the Melbourne Football Club does not contain rare or uncommon features of note. |
| SB3) | Is the existence of the class place/object that demonstrates the historical phases at B1) endangered to the point of rarity due to threats and pressures on such places/objects in Victoria? | No | The Rules of the Melbourne Football Club is a historical document. This class is not endangered. |

If any one of SB1, SB2 OR SB3 is satisfied, then Criterion B is likely to be relevant at the State level

| | | |
|---------------------------------------|----|--|
| Executive Director's Response: | No | Criterion B is not likely to be relevant at the State level. |
|---------------------------------------|----|--|

CRITERION C: Potential to yield information that will contribute to an understanding of Victoria's cultural history.

Step 1 Test for Criterion C

| No. | Test | Yes/No | Reason |
|------------|---|--------|--|
| C1) | Does physical fabric and/or documentary evidence and/or associated oral history or cultural narratives relating to the place/object indicate a likelihood that the place/object contains evidence of cultural heritage significance that is not currently visible and/or well understood or available from other sources? | No | The: <ol style="list-style-type: none"> 1) physical fabric and 2) documentary evidence and 3) associated oral history or cultural narratives. relating to the Rules of the Melbourne Football Club do not indicate a likelihood that the object contains evidence of cultural heritage significance that is not currently visible and/or well understood or available from other sources. |
| C2) | And, from what we know of the place/object, is the physical evidence likely to be of an integrity and/or condition that it could yield information through detailed investigation? | N/A | The integrity and condition of the object may be good, but it is unlikely to yield information through investigation that is not currently visible and/or well understood or available from other sources (see C1). |

If both C1 AND C2 are satisfied, then Criterion C is likely to be relevant (but not necessarily at the State level)

| | | |
|---------------------------------------|----|---|
| Executive Director's Response: | No | Criterion C is not likely to be relevant. |
|---------------------------------------|----|---|

CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural places and objects

Step 1 Test for Criterion D

| No. | Test | Yes/No | Reason |
|-----|---|--------|--|
| D1) | Is the place/object one of a class of places/objects that has a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's history? | N/A | The Rules of the Melbourne Football Club is an important historical document. This importance is better considered under other criteria. |
| D2) | Is the event, phase, period, process, function, movement, custom or way of life of historical importance, having made a strong or influential contribution to Victoria? | N/A | |
| D3) | Are the principal characteristics of the class evident in the physical fabric of the place/object? | N/A | |

If D1, D2 AND D3 are satisfied, then Criterion D is likely to be relevant (but not necessarily at the State level)

Executive Director's Response: No Criterion D is not likely to be relevant.

CRITERION E: Importance in exhibiting particular aesthetic characteristics.

Step 1 Test for Criterion E

| No. | Test | Yes/No | Reason |
|-----|--|--------|---|
| E1) | Does the physical fabric of the place/object clearly exhibit particular aesthetic characteristics? | N/A | The physical fabric of the object has aesthetic characteristics. However, it is primarily of historical importance, and this is better considered under other criteria. |

If E1 is satisfied, then Criterion E is likely to be relevant (but not necessarily at the State level)

Executive Director's Response: No Criterion E is not likely to be relevant.

CRITERION F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.

Step 1 Test for Criterion F

| No. | Test | Yes/No | Reason |
|-----|---|--------|--|
| F1) | Does the place/object contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created? | No | The Rules of the Melbourne Football Club does not contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created. |
| F2) | Does the physical evidence demonstrate a high degree of integrity? | No | The physical evidence of the object demonstrates a high degree of integrity, however there is no physical evidence that demonstrates creative or technical achievement for the time in which it was created. |

If **both** F1 and F2 are satisfied, then Criterion F is likely to be relevant (but not necessarily at the State level)

| | | |
|--------------------------------|----|---|
| Executive Director's Response: | No | Criterion F is not likely to be relevant. |
|--------------------------------|----|---|

CRITERION G: Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons

Step 1 Test for Criterion G

| No. | Test | Yes/No | Reason |
|-----|--|--------|--|
| G1) | Does the place/object demonstrate social value to a community or cultural group in the present day in the context of its cultural heritage significance? Evidence must be provided for all three facets of social value listed here: | | |
| i) | Existence of a community or cultural group; <u>and</u> | Yes | There is ample evidence that 'Victoria's Football Community' is a geographically dispersed community that has a shared interest in Australian rules football. |
| ii) | Existence of a strong attachment of a community or cultural group to the place or object; <u>and</u> | No | <p>Although 'Victoria's Football Community' is strongly attached to the game of football, there is no evidence of a strong attachment between it and the document 'Rules of the Melbourne Football Club'.</p> <p>While many people in Victoria share a passion for Australian rules football, this is most often attached to a particular team. It is sometimes attached to the 'spiritual home' of an AFL team, such as Victoria Park (Collingwood Football Club, VHR H0075) or 'Windy Hill' (Essendon Football Club). Across Victoria, an attachment may be most keenly felt at local football grounds associated with local teams.</p> <p>There is no evidence that people with a shared interest in football have a strong attachment to this document itself.</p> |

| | | | |
|------|---|-----|--|
| iii) | Existence of a time depth to that attachment. | N/A | As above, there is no evidence of an attachment. |
|------|---|-----|--|

If all facets of G1 are satisfied, then Criterion G is likely to be relevant (but not necessarily at the State level)

| | | |
|--------------------------------|----|---|
| Executive Director's Response: | No | Criterion G is not likely to be relevant. |
|--------------------------------|----|---|

CRITERION H: Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

Step 1 Test for Criterion H

| No. | Test | Yes/No | Reason |
|-----|---|--------|---|
| H1) | Does the place/object have a direct association with a person, or group of persons who has made a strong or influential contribution in their field of endeavour? | Yes | <p>H1(i) There is a direct association between Rules of the Melbourne Football Club and the Melbourne Football Club and its key founding committee members. The Melbourne Football Club led in the establishment and formalising of Australian rules football.</p> <p>H1(ii) The Melbourne Football Club and its founding members have made a strong or influential contribution in their field. The Melbourne Football Club was a foundational Australian rules football club and is the oldest continuously existing Australian rules football club. It dates from the establishment of the code and has played a part in the major evolutions of the competition from its early origins, through the Victorian Football Association (VFA), Victorian Football League (VFL) and Australian Football League (AFL).</p> |
| H2) | Is there evidence of the association between the place/object and the person(s)? | Yes | There is evidence of the association between the Rules of the Melbourne Football Club and the Melbourne Football Club in the title of the document. |
| H3) | Does the association relate: <ul style="list-style-type: none"> • directly to achievements of the person(s); <u>and</u> • to an enduring and/or close interaction between the person(s) and the place/object? | Yes | <p>H3(i) The association between the Rules of the Melbourne Football Club and the Melbourne Football Club relates directly to the achievements of the Melbourne Football Club.</p> <p>The document represents the integral role the Melbourne Football Club played in the foundation of the code.</p> <p>H3(ii) The association relates to a close interaction between the Melbourne Football Club and the Rules of the Melbourne Football Club. Both the organisation and the individuals involved were integral to the creation of the document.</p> |

If all facets of H1, H2 AND H3 are satisfied, then Criterion H is likely to be relevant (but not necessarily at the State level)

| | | |
|--------------------------------|-----|---------------------------------------|
| Executive Director's Response: | Yes | Criterion H is likely to be relevant. |
|--------------------------------|-----|---------------------------------------|

Step 2 State-level test for Criterion H

| No. | Test | Yes/No | Reason |
|------|--|--------|---|
| SH1) | Are the life or works of the person/persons important to Victoria's history? | Yes | The life and works of the Melbourne Football Club is important in Victoria's history. The Melbourne Football Club is a foundational Australian rules football club, and its committee members were instrumental in the establishment and evolution of the code in Victoria. |
| SH2) | Does this place/object allow the association between the person or group of persons and their importance in Victoria's history to be readily appreciated better than most other places or objects in Victoria? | Yes | The document very clearly demonstrates the role of the Melbourne Football Club in the establishment of Australian rules football. |

If SH1 and SH2 are satisfied, then Criterion H is likely to be relevant at the State level

| | | |
|---------------------------------------|-----|--|
| Executive Director's Response: | Yes | Criterion H is likely to be relevant at the State level. |
|---------------------------------------|-----|--|

Comparisons

Documents and document collections included in the VHR

KELLY PAPERS

**PUBLIC RECORD OFFICE VICTORIA, 99 SHIEL STREET,
NORTH MELBOURNE, MELBOURNE CITY**

H2115

The Kelly Historical Collection held by the Public Record Office Victoria consists of a large collection of government documents relating to the bushranger Ned Kelly (1855-80). The collection of documents is of historical significance to Victoria for their ability to demonstrate relations between Ned Kelly, the Kelly Gang, the Kelly family and the colonial government of Victoria.

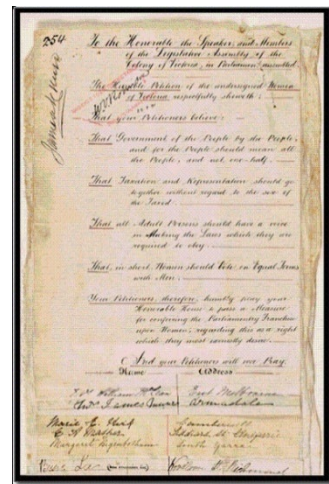


WOMEN'S SUFFRAGE PETITION

**PUBLIC RECORDS OFFICE VICTORIA, 99 SHIEL
STREET, NORTH MELBOURNE, MELBOURNE CITY**

H2121

The Women's Suffrage Petition 1891, held by the Public Record Office Victoria, requesting the right to vote for women in the colony, was signed by 30,000 Victorian women. The Women's Suffrage Petition 1891 was known as the 'Monster Petition' because it was the largest petition that had ever been presented to the Parliament of Victoria on any question. The petition of 1891 demonstrated that women were becoming politically active and could no longer be ignored as a political force. It is of historical significance to Victoria for its associations with important women's organisations and the foundations of women's suffrage.

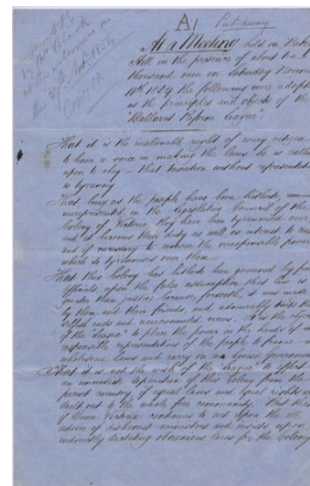


BALLARAT REFORM LEAGUE CHARTER

**PUBLIC RECORD OFFICE VICTORIA, 99 SHIEL STREET,
NORTH MELBOURNE, MELBOURNE CITY**

H2081

The Ballarat Reform League Charter is a four-page handwritten manifesto of democratic principles and demands, presented to Governor Hotham in November 1854, a few weeks before the Eureka rebellion. The Charter, written by members of the Ballarat Reform League and representing the aspirations and demands of the mining community of Ballarat, was instrumental in the campaigns for democratic reform in the Colony of Victoria. It is of historical significance to Victoria as a central document of the Eureka story.



Examples of places associated with Australian rules football included in the VHR

MELBOURNE CRICKET GROUND (MCG)

BRUNTON AVENUE, EAST MELBOURNE, MELBOURNE CITY

H1928

The MCG is of historical and social significance to Victoria as its largest and most important sporting ground, and spiritual home of both cricket and Australian rule football in the state. It is also historically as the main venue and ceremonial focus for the 1956 Melbourne Olympic Games, and for its associations with numerous other sports and events. The MCG is also of historical and social significance for its association with the Melbourne Cricket Club, the oldest club in Victoria and a major force in the development of cricket and other sports in Victoria from the nineteenth century. The MCG is socially significant as a living icon, a focus of attention in which importance lies in participating in events as well as experiencing the place itself.



GLENFERRIE OVAL GRANDSTAND

34 LINDA CRESCENT, HAWTHORN, BOROONDARA CITY

H0890

The Glenferrie Oval Grandstand is historically important to the history of Victoria and the State's development of leisure activities through its social and cultural associations with Australian Rules Football, the favoured spectator sport for many Victorians for much of its history. Completed in 1938, the Glenferrie Oval Grandstand was built more than a decade after the Hawthorn Football Club was admitted to the Victorian Football League (now the Australian Football League) in 1924. The design of the grandstand in the Moderne style is unique and demonstrates the middle class values of the club, in contrast to the working class origins of most of the league clubs.



VICTORIA PARK

LULIE STREET, ABBOTSFORD, YARRA CITY

H0075

Victoria Park has historical and social significance for its associations over a period of 112 years with the Collingwood Football Club, one of the best-known sporting clubs in Victoria. The Collingwood Football Club has been one of the most successful and popular league football clubs in the history of football in Australia. It was one of the eight founding members of the VFL in 1897 and has been influential in the development of the football code and in the evolution of the distinctive culture of football following in Victoria.



WAVERLEY PARK

**2 STADIUM CIRCUIT AND 566-634 WELLINGTON ROAD,
MULGRAVE, MONASH CITY**

H1883

Waverley Park (formerly VFL Park), opened in 1970 and operated as a key stadium for Australian rules football until 1999. It was envisioned as an independent home for Australian rules football designed and owned by the Victorian Football League. Waverley Park was the first major venue to be designed specifically for Australian rules football and was planned expressly to be a showcase for the sport. It is of historical and social significance to Victoria. The now redeveloped site retains the grandstand, which is noted for its architectural significance.



YARRA PARK

**WELLINGTON PDE AND PUNT RD AND VALE STREET
AND JOLIMONT TERRACE AND BRUNTON AVE AND
JOLIMONT STREET, EAST MELBOURNE, MELBOURNE
CITY**

H2251

Yarra Park is historically significant as part of the system of parks that Governor Charles La Trobe envisaged surrounding Melbourne. It is also historically significant as the 'village green' for Melbourne and for its role in the development of Australian Rules Football, being the place where the earliest games were played in 1858.



GRACE DARLING HOTEL

114 SMITH STREET, COLLINGWOOD, YARRA CITY

H0660

The Grace Darling Hotel is of historical significance as one of the few remaining 1850s goldrush era hotels left in inner Melbourne. The Grace Darling Hotel is also of historical significance as the venue of the inaugural committee meeting of the Collingwood Football Club in 1892, at which a decision was made to form a football club to play in the new Victorian Football League. The use of a hotel for such purposes was not unusual, pubs serving important social and community functions in the absence of other venues and institutions in early Melbourne.



Summary of Comparisons

There are several historical documents included in the VHR. These documents represent particularly significant political or cultural moments in Victoria's history. They include a degree of detail that enables these historical events and phases to be well understood. The Rules of the Melbourne Football Club compares well to these documents. It captures a key moment in Victoria's cultural history exceedingly well and enables it to be understood and appreciated in some detail.

There are a great number of places related to Australian rules football included in the VHR. The number and variety of places indicate the importance of the sport in Victoria's cultural history. These places include individual buildings, such as grandstands and pubs, as well as larger complexes such as the MCG (VHR H1928) and Victoria Park (VHR H0075). All have significant historical associations with playing and watching Australian rules football in Victoria. Some, like the MCG, have a longstanding association with Australian rules football, while others, like Waverly Park (VHR H1883), demonstrate a particular era in the code's history. Few have a direct association with the very early history of the code. The Rules of the Melbourne Football Club not only has this association but enables it to be understood with a level of detail.

Summary of cultural heritage significance (section 40(4))

Statement of significance

What is significant?

All of the document titled the 'Rules of the Melbourne Football Club' and dated May 1859 being the first known written rules of Australian rules football which is held in the archives of the Melbourne Cricket Club (MCC).

How is it significant?

The 'Rules of the Melbourne Football Club' is of historical significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

Criterion A

Importance to the course, or pattern, of Victoria's cultural history.

Criterion H

Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

Why is it significant?

The 'Rules of the Melbourne Football Club' is historically significant as the founding document of the modern code of Australian rules football. The document represents an important moment in the transition of the sport from casual and sometimes confusing matches to an agreed approach to play. This led to the development of a uniquely Australian form of football, which became a key part of Victoria's social and cultural life. The rules enabled the rapid spread of the sport through Melbourne, Victoria and eventually to other parts of Australia and were fundamental to its enormous popularity. They include important elements of the code that are still seen today, such as the protected status of a player who marks the ball. They are important as an early example of a successful, uniform set of football rules. [Criterion A]

The 'Rules of the Melbourne Football Club' is significant for its association with the Melbourne Football Club. The Melbourne Football Club was one of the earliest Australian rules football clubs, and is the oldest continuously operating club in the State. Its foundation committee members produced the rules that codified the sport and were enormously effective at communicating and publicising them. The rules were then taken up by multiple clubs, becoming the recognised football code across the colony and evolving into the modern game of Australian rules football. [Criterion H]

Recommended permit exemptions under section 38

Introduction

A [heritage permit](#) is required for all works and activities undertaken in relation to VHR places and objects. Certain works and activities are [exempt from a heritage permit](#), if the proposed works will not harm the cultural heritage significance of the heritage place or object.

Permit Policy

N/A

Permit Exemptions

General Exemptions

General exemptions apply to all places and objects included in the Victorian Heritage Register (VHR). General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which don't harm its cultural heritage significance, to proceed without the need to obtain approvals under the Heritage Act 2017.

Places of worship: In some circumstances, you can alter a place of worship to accommodate religious practices without a permit, but you must notify the Executive Director of Heritage Victoria before you start the works or activities at least 20 business days before the works or activities are to commence.

Subdivision/consolidation: Permit exemptions exist for some subdivisions and consolidations. If the subdivision or consolidation is in accordance with a planning permit granted under Part 4 of the Planning and Environment Act 1987 and the application for the planning permit was referred to the Executive Director of Heritage Victoria as a determining referral authority, a permit is not required.

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below. Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

Find out more about heritage permit exemptions [here](#).

Specific Exemptions

The works and activities below are not considered to cause harm to the cultural heritage significance of the Rules of the Melbourne Football Club subject to the following guidelines and conditions:

Guidelines

1. Where there is an inconsistency between permit exemptions specific to the registered place or object ('specific exemptions') established in accordance with either section 49(3) or section 92(3) of the Act and general exemptions established in accordance with section 92(1) of the Act specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the Act, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the Act, the Act will prevail to the extent of any inconsistency.
3. Nothing in specific exemptions obviates the responsibility of a proponent to obtain the consent of the owner of the registered place or object, or if the registered place or object is situated on Crown Land the land manager as defined in the *Crown Land (Reserves) Act 1978*, prior to undertaking works or activities in accordance with specific exemptions.
4. If a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006* is required for works covered by specific exemptions, specific exemptions will apply only if the Cultural Heritage Management Plan has been approved prior to works or activities commencing. Where there is an inconsistency between specific exemptions and a Cultural Heritage Management Plan for the relevant works and activities, Heritage Victoria must be contacted for advice on the appropriate approval pathway.

5. Specific exemptions do not constitute approvals, authorisations or exemptions under any other legislation, Local Government, State Government or Commonwealth Government requirements, including but not limited to the *Planning and Environment Act 1987*, the *Aboriginal Heritage Act 2006*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Nothing in this declaration exempts owners or their agents from the responsibility to obtain relevant planning, building or environmental approvals from the responsible authority where applicable.
6. Care should be taken when working with heritage buildings and objects, as historic fabric may contain dangerous and poisonous materials (for example lead paint and asbestos). Appropriate personal protective equipment should be worn at all times. If you are unsure, seek advice from a qualified heritage architect, heritage consultant or local Council heritage advisor.
7. The presence of unsafe materials (for example asbestos, lead paint etc) at a registered place or object does not automatically exempt remedial works or activities in accordance with this category. Approvals under Part 5 of the *Heritage Act 2017* must be obtained to undertake works or activities that are not expressly exempted by the below specific exemptions.
8. All works should be informed by a Conservation Management Plan prepared for the place or object. The Executive Director is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.

Conditions

1. All works or activities permitted under specific exemptions must be planned and carried out in a manner which prevents harm to the registered place or object. Harm includes moving, removing or damaging any part of the registered place or object that contributes to its cultural heritage significance.
2. If during the carrying out of works or activities in accordance with specific exemptions original or previously hidden or inaccessible details of the registered place are revealed relating to its cultural heritage significance, including but not limited to historical archaeological remains, such as features, deposits or artefacts, then works must cease and Heritage Victoria notified as soon as possible.
3. If during the carrying out of works or activities in accordance with specific exemptions any Aboriginal cultural heritage is discovered or exposed at any time, all works must cease and the Secretary (as defined in the *Aboriginal Heritage Act 2006*) must be contacted immediately to ascertain requirements under the *Aboriginal Heritage Act 2006*.
4. If during the carrying out of works or activities in accordance with specific exemptions any munitions or other potentially explosive artefacts are discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.
5. If during the carrying out of works or activities in accordance with specific exemptions any suspected human remains are found the works or activities must cease. The remains must be left in place and protected from harm or damage. Victoria Police and the State Coroner's Office must be notified immediately. If there are reasonable grounds to believe that the remains are Aboriginal, the State Emergency Control Centre must be immediately notified on 1300 888 544, and, as required under s.17(3)(b) of the *Aboriginal Heritage Act 2006*, all details about the location and nature of the human remains must be provided to the Aboriginal Heritage Council (as defined in the *Aboriginal Heritage Act 2006*).

Exempt works and activities

The following exemptions must be in accordance with the National Standards for Australian Museums and Galleries and/or in accordance with the accepted collection management standards, policies and procedures of the Australian Sports Museum and Melbourne Cricket Club archives.

1. Management of the item (including relocation, display and temporary loans of 2 years or less).
2. The conservation or analysis of the item where the custodian employs qualified conservators.

Appendix 1

Heritage Council determination (section 49)

The Heritage Council is an independent statutory body that will make a determination on this recommendation under section 49 of the Act. It will consider the recommendation after a period of 60 days from the date the notice of recommendation is published on its website under section 41.

Making a submission to the Heritage Council (section 44)

Within the period of 60 days, any person or body with a real and substantial interest in the place or object may make a submission to the Heritage Council regarding the recommendation and request a hearing in relation to that submission. Information about making a submission and submission forms are available on the Heritage Council's website. The owner can also make a submission about proposed permit exemptions (Section 40(4)(d)).

Consideration of submissions to the Heritage Council (section 46)

(1) The Heritage Council must consider—

- (a) any written submission made to it under section 44; and
- (b) any further information provided to the Heritage Council in response to a request under section 45.

Conduct of hearings by Heritage Council in relation to a recommendation (section 46A)

(1) The Heritage Council may conduct a hearing in relation to a recommendation under section 37, 38 or 39 in any circumstances that the Heritage Council considers appropriate.

(2) The Heritage Council must conduct a hearing if—

- (a) a submission made to it under section 44 includes a request for a hearing before the Heritage Council; and
- (b) the submission is made by a person or body with a real or substantial interest in the place, object or land that is the subject of the submission.

Determinations of the Heritage Council (section 49)

(1) After considering a recommendation that a place, object or land should or should not be included in the Heritage Register and any submissions in respect of the recommendation and conducting any hearing, the Heritage Council may—

- (a) determine that the place or object is of State-level cultural heritage significance and is to be included in the Heritage Register; or
- (ab) in the case of a place, determine that—
 - (i) part of the place is of State-level cultural heritage significance and is to be included in the Heritage Register; and
 - (ii) part of the place is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
- (ac) in the case of an object, determine that—
 - (i) part of the object is of State-level cultural heritage significance and is to be included in the Heritage Register; and
 - (ii) part of the object is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
- (b) determine that the place or object is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or

- (c) in the case of a recommendation in respect of a place, determine that the place or part of the place is not to be included in the Heritage Register but—
 - (i) refer the recommendation and any submissions to the relevant planning authority or the Minister administering the Planning and Environment Act 1987 to consider the inclusion of the place or part of the place in a planning scheme in accordance with the objectives set out in section 4(1)(d) of that Act; or
 - (ii) determine that it is more appropriate for steps to be taken under the Planning and Environment Act 1987 or by any other means to protect or conserve the place or part of the place; or
 - (ca) in the case of a recommendation in respect of an object nominated under section 27A, determine that the object, or part of the object, is to be included in the Heritage Register if it is integral to understanding the cultural heritage significance of a registered place or a place the Heritage Council has determined to be included in the Heritage Register; or
 - (d) in the case of a recommendation in respect of additional land nominated under section 27B, determine that the additional land, or any part of the additional land, is to be included in the Heritage Register if—
 - (i) the State-level cultural heritage significance of the place, or part of the place, would be substantially less if the additional land or any part of the additional land which is or has been used in conjunction with the place were developed; or
 - (ii) the additional land or any part of the additional land surrounding the place, or part of the place, is important to the protection or conservation of the place or contributes to the understanding of the place.
- (2) The Heritage Council must make a determination under subsection (1)—
- (a) within 40 days after the date on which written submissions may be made under section 44; or
 - (b) if any hearing is conducted, within 90 days after the completion of the hearing.
- (3) A determination made under subsection (1)(a), (ab), (ac), (ca) or (d)—
- (a) may include categories of works or activities which may be carried out in relation to a place, object or land, or part of a place, object or land, for which a permit under this Act is not required, if the Heritage Council considers that the works or activities would not harm the cultural heritage significance of the place, object or land; and
 - (b) must include a statement of the reasons for the making of the determination.
- (4) If the Heritage Council determines to include a place, or part of a place, in the Heritage Register, the Heritage Council may also determine to include land that is not the subject of a nomination under section 27B in the Heritage Register as part of the place if—
- (a) the land is ancillary to the place; and
 - (b) the person who owns the place, or part of the place—
 - (i) is the owner of the land; and
 - (ii) consents to its inclusion.
- (5) If a member of the Heritage Council makes a submission under section 44 in respect of a recommendation, the member must not take part in the consideration or determination of the Heritage Council.
- (6) The Heritage Council must notify the Executive Director of any determination under this section as soon as practicable after the determination.

Obligations of owners (section 42, 42A, 42B, 42C, 42D)

42 Obligations of owners—to advise of works, permits etc. on foot when statement of recommendation given

- (1) The owner of a place, object or land to whom a statement of recommendation has been given must advise the Executive Director in writing of—

- (a) any works or activities that are being carried out in relation to the place, object or land at the time the statement is given; and
- (b) if the place, object or land is a place or additional land, any application for a planning permit or a building permit, or any application for an amendment to a planning permit or a building permit, that has been made in relation to the place or additional land but not determined at the time the statement is given; and
- (c) any works or activities that are proposed to be carried out in relation to the place, object or land at the time the statement is given.

(2) An advice under subsection (1) must be given within 10 days after the statement of recommendation is given under section 40.

42A Obligations of owners before determination or inclusion in the Heritage Register—to advise of permits

(1) This section applies if—

- (a) an owner of any of the following is given a statement of recommendation—
 - (i) a place or object nominated under section 27;
 - (ii) an object nominated under section 27A;
 - (iii) land nominated under section 27B; and
- (b) any of the following occurs within the statement of recommendation period in relation to the place, object or land—
 - (i) the making of an application for a planning permit or a building permit;
 - (ii) the making of an application for an amendment to a planning permit or a building permit;
 - (iii) the grant of a planning permit or building permit;
 - (iv) the grant of an amendment to a planning permit or building permit.

(2) The owner must advise the Executive Director in writing of—

- (a) the making of an application referred to in subsection (1)(b)(i) or (ii), within 10 days of the making of the application; or
- (b) a grant referred to in subsection (1)(b)(iii) or (iv), within 10 days of the owner becoming aware of the grant.

42B Obligations of owners before determination or inclusion in the Heritage Register—to advise of activities

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) within the statement of recommendation period it is proposed that activities that could harm the place, object or land be carried out.

(2) The owner, not less than 10 days before carrying out the activities, must advise the Executive Director in writing of the proposal to do so.

42C Obligations of owners before determination or inclusion in the Heritage Register—to advise of proposal to dispose

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) within the statement of recommendation period a proposal is made to dispose of the whole or any part of the place, object or land.

(2) The owner, within 10 days after entering into an agreement, arrangement or understanding for the disposal of the whole or any part of the place, object or land, must advise the Executive Director in writing of the proposal to do so.

42D Obligations of owners before determination or inclusion in the Heritage Register—requirement to give statement to purchaser

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) the owner proposes to dispose of the whole or any part of the place, object or land within the statement of recommendation period.

(2) Before entering into an agreement, arrangement or understanding to dispose of the whole or any part of the place, object or land during the statement of recommendation period, the owner must give a copy of the statement of recommendation to the person who, under the proposed agreement, arrangement or understanding, is to acquire the place, object or land or part of the place, object or land.

Owners of places and objects must comply with obligations (section 43)

An owner of a place, object or land who is subject to an obligation under section 42, 42A, 42B, 42C or 42D must comply with that obligation.

Penalty: In the case of a natural person, 120 penalty units;
 In the case of a body corporate, 240 penalty units.