

Heritage Council Determination

Determination date	6 February 2025
Object name	Rules of the Melbourne Football Club
Location	Melbourne Cricket Ground, Brunton Avenue, East Melbourne, Melbourne City, Wurundjeri Country
VHR number	H2428
Category	Registered Object
Relevant legislative provision/s	Inclusion in the Victorian Heritage Register, pursuant to section 49(1)(a) of the <i>Heritage Act 2017</i>

Determination of the Heritage Council

The Heritage Council of Victoria determined on 6 February 2025 in accordance with section 49(1)(a) of the *Heritage Act 2017*, that the Rules of the Melbourne Football Club is to be included in the Victorian Heritage Register in the category of Registered Object.

The Heritage Council also determined that:

- the categories of works or activities proposed by the Executive Director, which may be carried out in relation to the Object for which a permit is not required (specific permit exemptions), would not harm the cultural heritage significance of the Object, pursuant to section 49(3)(a) of the *Heritage Act 2017*.
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Information about the Place

Description

Extract from the Executive Director's Recommendation, for information only.

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-coloured paper, which is half-quarto in size (comparable to today's A5 size). 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.

History

Provided as **Attachment 1**.

Background

Executive Director's Recommendation

On 19 November 2024 the Executive Director made a recommendation ('the Recommendation') to the Heritage Council that the Object is of State-level cultural heritage significance and should be included in the VHR. The Recommendation was advertised publicly for a period of 60 days, beginning on 22 November 2024.

Section 44 submissions

No submissions were received during the public advertisement period.

Heritage Council's findings

State-level cultural heritage significance

The Heritage Council's findings are in accordance with the Executive Director's Recommendation. The Heritage Council finds that the Object is an important addition to the Victorian Heritage Register as the founding document of the modern code of Australian Rules football and enabled the rapid spread of the sport through Melbourne, Victoria and other parts of Australia. The Heritage Council determines that the Object meets the following of the Heritage Council's Criteria for Assessment (**Attachment 2**) at a State-level:

- **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.

Extent of Registration

The Heritage Council determined that the Extent of Registration recommended by the Executive Director is appropriate.

The Extent of Registration is provided as **Attachment 3** and includes 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.

Permit exemptions

The Heritage Council determines that the permit exemptions recommended by the Executive Director would not harm the cultural heritage significance of the Place.

The permit exemptions are provided as **Attachment 4**.

Conclusion

The Heritage Council of Victoria determined on 6 February 2025 in accordance with section 49(1)(a) of the *Heritage Act 2017*, that the Rules of the Melbourne Football Club is to be included in the Victorian Heritage Register in the category of Registered Object.



Professor Philip Goad
Chair, Heritage Council of Victoria

Attachment 1

History

Extract from the Executive Director's Recommendation and containing minor edits made by the Executive Director following the Heritage Council's determination of 6 February 2025.

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. 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. The term marn-grook, from the Djab Wurrung language has come to be widely used for all Aboriginal versions of Australian Rules 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. Wills' legacy regarding interactions with Aboriginal people is complex. There is some evidence that, following the death of his father in the Cullin-la-ringo massacre in Central Queensland in 1861, Wills may have been involved in the subsequent reprisal attacks and murder of Aboriginal people.

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 that were played in England, Scotland and Ireland. 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. 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 immigrants to Australia brought multiple footballing traditions with them. 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. 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.

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. 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. The committee ultimately decided on a simple approach suited to local conditions. 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. 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.'

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. 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. 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.' 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. 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'. 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.

Attachment 2

Heritage Council criteria for assessment of places and objects of cultural heritage significance

Criterion A	Importance to the course, or pattern, of Victoria's cultural history.
Criterion B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
Criterion C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
Criterion D	Importance in demonstrating the principal characteristics of a class of cultural places and objects.
Criterion E	Importance in exhibiting particular aesthetic characteristics.
Criterion F	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
Criterion G	Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.
Criterion H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

These were adopted by the Heritage Council at its meeting on 1 December 2022, and replace the previous criteria adopted by the Heritage Council on 6 December 2012.

Attachment 3

Extent of Registration

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.

Attachment 4

Categories of Works or Activities which may be undertaken without a Permit (Permit exemptions)

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 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 Act 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 Secretary (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.