

General Policy - Busking

Intent

- To encourage activities that contributes vibrancy and life to public areas and to allow opportunities for public performances.
- To provide an equitable system of use for popular busking sites among the buskers earning a living through their art form.
- To minimise complaints, criticism and other problems associated with buskers operating in the city area.

Scope

This policy shall apply to busking carried out in the Cairns CBD. Authorised busking is permitted in approved areas in the Cairns CBD only, under the conditions outlined in this policy. Cairns Regional Council reserves the right to limit the number of approvals at any time, or to regulate through application of fees and charges.

1. PROVISIONS

- 1.1. Cairns Regional Council recognises a strong tradition of busking in the Cairns Region. Buskers contribute to a sense of place, provide entertainment and thought provoking experiences to tourists and members of the general public.
- 1.2. Busking is recognised as a valid means for people to make a living. Buskers make an important contribution to the cultural life of a city by reflecting styles, values and the issues of society at large.
- 1.3. Busking should not interfere with pedestrian traffic, the conduct of business, or contribute to a lack of safety.

2. DEFINITIONS

- 2.1. **Busker:** A street entertainer who provides performances for the public by playing a musical instrument, dancing, singing, clowning or juggling, or doing other acts of a similar nature in public places.
- 2.2. **Performance:** Musical, dramatic or other entertainment substantially involving musical, theatrical or circus performance skills.
- 2.3. **Special Events:** An event/s of a public nature utilising wholly or in part public land, public roads and/or footpath areas.
- 2.4. **Soliciting of funds:** The act of asking, begging or requesting money or goods from members of the public.
- 2.5. **Offering for sale:** The display or demonstration of items, particularly multiples of items, with an implication that they are available for sale or otherwise in exchange for money (for example, CDs or cassettes).
- 2.6. **Dangerous materials and implements:** Materials and implements that pose a risk, hazard or uncertain outcomes for people.
Dangerous materials include flammable materials and chemicals, fire, fireworks, smoke, flairs, heated elements or anything giving off a level of heat or toxicity that poses a threat of harm or damage to members of the public and public property.
Dangerous implements include knives, spears, swords, spikes and sharp implements of any kind that pose a threat of harm to the general public.
- 2.7. **Restricted areas:** specified areas within the town that have had restrictions placed on busking activities that may occur in them.
- 2.8. **Circle acts:** Structured performances requiring the audience to stop and watch or participate in the performance. Approximate duration: 20 minutes.
- 2.9. **Walk-by acts:** Spontaneous performances where the audience is not required to stop and watch.

3. OBTAINING AN AUTHORISED PERMIT TO BUSK

- 3.1. Criteria for assessing a proposed busking activity include:
 - Presentation and appearance of the performer/s
 - Entertainment value and uniqueness of the performer/s
 - Professionalism of the performer/s
- 3.2. For the purposes of identification, applicants will be required to present or provide the following items at the time of application before a Busking Permit will be issued:
 - Proof of identify
 - Australian Income Tax File number, ABN Number or Statutory Declaration declaring intention to pay tax on earnings.
 - Proof of parental consent for applicants under the age of 18 years. Consent forms signed by applicants' parents or guardians must be lodged at the time of application for a permit to busk.
- 3.3. Three (3) Monthly Busking Permits will be issued. Permits are not transferable or refundable.
- 3.4. The following is not considered to be busking under the terms of this policy and as such a permit will not be issued:
 - tarot card and palm readers, fortune readers;
 - artists selling their works (such as portrait artists);
 - masseurs or masseuses;
 - vendors of any kind solicitors of money for any purpose, or;
 - any like act or activity.

4. CONDITIONS FOR BUSKING:

- 4.1. Buskers must hold an authorised permit to busk, issued by Cairns Regional Council. Permits may be obtained, during business hours, from the Esplanade Management Office, following an audition of the proposed busking activity.
- 4.2. Buskers **must** display their Permit to busk in a prominent, highly visible position in the busking site at all times during their acts.
- 4.3. Buskers may only perform between the hours of 8:00am and Midnight inclusive.
- 4.4. Buskers may perform for a maximum of two (2) hours at any one site including designated sites.
- 4.5. Buskers must keep the site in use clean while they are working and ensure that their use of the site does not pose a threat to public safety.
- 4.6. Buskers may receive voluntary donations from the audience but may not solicit funds.
- 4.7. Buskers using amplification are restricted to battery operated amplifiers. Use of amplification is to cease at 10:00pm.
- 4.8. Buskers may not offer goods and services for sale, display, demonstrate or advertise goods for sale or associate themselves with such advertising in conjunction with their performance. The only article that may be sold is CD/s consisting of the busker's own work.
- 4.9. Buskers must not interfere with pedestrian flow or cause obstruction to traders or delivery vehicles, including by way of encouraging audience formation in such a manner as to cause such interference. A minimum two (2) metre pedestrian corridor must be maintained so that a continuous corridor is maintained parallel to the roadway.

Buskers who are utilising pavement (chalk) art as a form of entertainment may only do so under the terms and conditions outlined in Pavement Art Code of Practice
- 4.10. Buskers may only use dangerous implements and materials if they hold a Special Busking Permit to do so and must comply with the terms and conditions in the Use of Dangerous Materials and Implements in Busking Code of Practice

4.11. The use of percussion instruments is limited to restricted areas and the use of percussion instruments is to cease at 10:00pm.

4.12. Police and Council Authorised Officers are able to revoke permits if the holder is causing public inconvenience, is likely to cause harm to the public or property, or is otherwise in breach of this Policy.

4.13. Restricted areas, designated sites and conditions for their use will be recorded in a schedule and provided to all approved buskers. The Inner Cities Facilities Manager will assess busking activities as to level of risk. Performers carrying out activities considered to be high risk will be required to obtain Public Liability insurance.

5. RESTRICTED AREAS

5.1. Busking is not permitted in relation to Special Events unless busking forms part of that event or specific invitation is granted by the Inner City Facilities Manager.

5.2. Busking is not permitted within 10 metres of outdoor dining facilities or Licensed venues during operational hours unless specific invitation has been supplied by management of the business.

5.3. Busking is not permitted within 10 metres of Market Stalls.

5.4. Busking is not permitted within 10m from Baskin & Robbins / Coffee Club / Aussie Bush Hats / Didgeridoo shop / Happy Herb shop / Money exchange on Cairns Esplanade. Gear Clothing / Lorna Jane on Shields St.

Pavement Art Code of Practice

1) This code of practice only covers the areas that are the responsibility of Cairns Regional Council.

2) Busking may include pavement art where it can be seen as a public form of entertainment under the guidelines of the Cairns Regional Council Busking Policy, with all of the Cairns Regional Council Busking Policy conditions applying and including the following specific applications of Cairns Regional Council policies to pavement art

3) Pavement art, for the purposes of this policy, is defined as Chalk Drawings rendered directly onto the pavement, or renderings done in other materials on removable surfaces, such as canvas or plastic, laid out onto the pavement.

4) Drawing directly onto the pavement may only occur where:
a. The material used is removable by water and does not leave a residue; and
b. The surface of the pavement is non-porous material, such as bitumen or concrete. Surfaces not able to be drawn upon directly include sandstone, granite and other porous surfaces.

5) Individual renditions of the artists work may not be offered for sale, or sold to the public.

6) Any proposed material to be used in carrying out pavement art must not be slippery (whether wet or dry) and must not be such as to be likely to cause a public hazard.

7) There must be no complaints received from shop owners regarding walking materials used in carrying out the pavement art into shops (such as chalk).

Use of Dangerous Materials and Implements in Busking: Code of Practice

Cairns Regional Council recognises that many buskers use materials and/or implements in their performance that may

reasonably be considered as dangerous. Cairns Regional Council also acknowledges that, in the hands of skilled and experienced performers, the use of fire or superficially dangerous implements such as knives and swords within circus or juggling acts lends an appealing theatrical element that is popular with the viewing public.

The purpose of this code of practice is to ensure that the use of dangerous materials and implements is restricted to buskers who have highly developed skills and experience in their use and who are able to ensure the safety of both the performer and the viewing public.

1. Approval of the use of dangerous materials and/or implements

Buskers using dangerous materials and/or implements must hold a current Special Busking Permit to use such items in their performance. Buskers holding Special Busking Permits must adhere to all terms and conditions of the standard busking licence.

All dangerous implements to be used in the performance, as defined under the *Dangerous Goods Act*, Clauses 14, 31, 239, 240, 242, covering the use of prohibited items, must have edges blunted and rendered non dangerous (including chain saws and mechanical items). An implement is determined to be blunt if it is incapable of piercing human skin when pressure is directly applied to its edge or point against human skin.

Where flammable liquids are to be used, fuels are limited to;

- Kerosene
- Citronella Oil or scented lamp oils

Where flammable liquids are to be used, all storage and transport must be as per the Australian Dangerous Goods Code, section 7, including:

- Portable plastic containers to be no greater than 5 Litre capacity
- Containers to be conspicuously marked "HIGHLY FLAMMABLE"

2. Approved sites for the use of dangerous materials and implements.

Buskers may only use dangerous materials and/or implements within designated Special Busking Sites. Special Busking Sites will be selected by the Inner City Facilities Manager and will be recorded on a schedule of approved busking sites.

3. Process for Obtaining a Special Busking Permit

Special Busking Permits apply only to individual performers and not groups. All individual performers within a group must hold Special Busking Permits if they are to use dangerous materials and/or implements.

Special Busking Permits are available under the same terms and conditions as standard Busking Permits with the exception of the additional requirements nominated below:

A completed **Risk Management Plan** must accompany Special Busking Permit application. This risk Management Plan must include a minimum requirement the following items;

- Plan of performance area indicating minimum safety space between performer and audience
- Detail of means used to maintain safety space for duration of performance
- Detail of all dangerous implements and/or materials to be used in the performance.
- Detail of all safety devices on site during the performance
- Detail of first aid kit and First Aid Officer on site during performance
- Detail of all appropriate licences / certificates e.g. Chain Saw operators certificate, pyrotechnics certificate.

Should the Inner City Facilities Manager determine to be appropriate, Special Busking Permits may be required to submit a "Peer Endorsement", completed and signed by two appointed peers. Should "Peer Endorsement" be required the Inner City Facilities Manager may provide a list of appointed peers.

THE ESPLANADE

CIRCLE ACT SITES: **C**
 SPECIAL BUSKING SITES: **X**



CITY PLACE (SHIELD ST and LAKE ST INTERSECTION)

CIRCLE ACT SITES: **C**
 SPECIAL BUSKING SITES: **X**

