

Purpose

The purpose of this policy is to:

- a) to encourage activities that contribute vibrancy and life to public areas and to allow opportunities for public performances; and
- b) to minimise complaints, criticism and other problems associated with buskers operating in the Whitsunday Regional Council area.

Scope

This policy is applicable to busking carried out on all Council and state-controlled land within the Whitsunday Regional Council area.

Policy Statement

1. Council shall permit authorised busking in approved areas on the Airlie Beach Foreshore and in the Bowen Township under the conditions outlined in this policy.
2. Whitsunday Regional Council reserves the right to limit the number of approvals at any time and to regulate approvals through the application of fees and charges.
3. **Criteria**
 - 3.1 Criteria for assessing a proposed busking activity may include:
 - a) the presentation and appearance of the performer/s;
 - b) the entertainment value and uniqueness of the performer/s; and
 - c) the 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:
 - a) proof of identify; and
 - b) if the applicant is under the age of 18 years, consent forms signed by applicants' parents or guardians.
 - 3.3 Busking Permits will be issued as a weekly, monthly or annual permit. Permits are not transferable or refundable.
 - 3.4 The following are not considered to be busking under the terms of this policy and therefore **prohibited**:
 - a) tarot card and palm readers, fortune readers;
 - b) artists selling their works (such as portrait artists);
 - c) masseurs or masseuses;
 - d) pavement art;
 - e) the use of dangerous materials and substances;
 - f) vendors of any kind; and

g) soliciting of funds for any purpose, or; any like act or activity.

4. Conditions

4.1 All applicants for a Busking Permit must abide by the following conditions:

- a) buskers must hold an authorised permit to busk, issued by Whitsunday Regional Council. Permits will be issued by Local Law Services and payment of appropriate Council fees;
- b) buskers must display their Permit to Busk in a prominent, highly visible position in the busking site at all times during their act;
- c) buskers may only perform between the hours of 9:00am and 12:00am inclusive;
- d) no busking between the hours of midnight to 9:00am;
- e) buskers may perform for a maximum of two (2) hours at any one site including designated sites;
- f) buskers must keep the site being utilised clean and tidy while they are working and ensure that their use of the site does not pose a threat to public safety;
- g) buskers may receive voluntary donations from the audience but may not solicit funds;
- h) no form of amplification is to be used during a performance;
- i) 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;
- j) 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 clearway must be maintained to ensure pedestrians are not adversely obstructed;
- k) the use of percussion instruments is limited to restricted areas;
- l) Council's Authorised Officers are able to revoke permits if the holder is causing public inconvenience, likely to cause harm to public property, or in breach of this Policy;
- m) restricted areas, designated sites and conditions for their use will be recorded in a schedule and provided to all approved buskers;
- n) buskers will be required to take out a public liability insurance policy to the value of twenty million dollars (\$20,000,000.00) with the Council being endorsed as an insured party. This policy must be submitted to Council prior to commencing the busking activity; and
- o) buskers must ensure a distance of no less than 50 metres is kept between performers.

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 Council.

5.2 Busking is not permitted within 20 metres of outdoor dining facilities or Licensed venues during operational hours unless specific invitation has been supplied by management of the business.

Applicable Legislation

This policy refers to (include specific section if relevant)

Definitions

Busker/s refers to 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.

CEO refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the *Local Government Act 2009*.

Council refers to Whitsunday Regional Council.

Dangerous materials and substances refer to materials and implements that pose a risk, hazard or uncertain outcomes for people. Dangerous Materials may include flammable materials/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 may include knives, spears, swords, spikes and sharp implements of any type that pose a threat of harm to the general public.

Employee refers to any employee, contractor, volunteer etc. of Council.

Offer goods and services for sale refers to 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 e.g. CDs or DVDs.

Performance/s refers to musical, dramatic or other entertainment to a large extent involving musical, theatrical or circus performance skills.

Special events refer to an event/s of a public nature utilising wholly or in part public land, public roads and/or footpath areas.

Soliciting of funds/solicit funds refers to the act of asking, begging or requesting money or goods from members of the public.

Restricted areas refer to the specified areas within the Council area that may have restrictions placed on busking activities.

Related Documents

Whitsunday Regional Council Local Law No. 1 (Administration) 2014

Whitsunday Regional Council Subordinate Local Law No. 1 (Administration) 2014

Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.

COUNCIL POLICY			
Date Adopted by Council	8 September 2021	Council Resolution	2021/09/08.11
Effective Date	8 September 2021	Next Review Date	8 September 2024
Responsible Officer(s)	Coordinator Environmental Health & Local Laws	Revokes	LSP_C&ENV_08
Public Consultation: Yes / No			