

MELBOURNE BUSKING HANDBOOK

2018

SUPPORTING THE CITY'S
STREET PERFORMANCE
AND MUSIC CULTURE



CITY OF MELBOURNE



A CREATIVE CITY

Melbourne will be a place that inspires experimentation, innovation and creativity and fosters leaders of ideas and courage.

Acknowledgement of Traditional Owners

The City of Melbourne respectfully acknowledges the Traditional Owners of the land, the Boon Wurrung and Woiwurrung (Wurundjeri) people of the Kulin Nation and pays respect to their Elders, past and present.

CONTENTS

Introduction	2
Objectives and principles	2
Definition and local law	5
Permit types	7
Permit application process	9
Application assessment safety, amenity & performance review	11
Assessment criteria	12
Level one review criteria	13
Level two review criteria	14
Permit conditions, rights and responsibilities	16
Management of sound generated by busking	21
Non-amplified busking zones	23
Performance locations	25
Busking no-go zones	26
Making money from busking	27
Complaints, dispute resolution and compliance	28

INTRODUCTION

The City of Melbourne is proud of its reputation for supporting lively street culture and greatly values the diversity of entertainment that buskers provide within public places.

We are also committed to providing a safe, accessible and culturally sensitive environment for all visitors, workers and residents.

The City of Melbourne acknowledges that:

- Melbourne has a strong history of busking and buskers contribute to the character and culture of the City of Melbourne.
- Melbourne is internationally recognised as a city that supports music and busking.
- Busking makes an important contribution to the cultural life within the city of Melbourne.
- Busking activity should not adversely affect public safety, pedestrian traffic or the amenity of a public place for city users.

The Melbourne Busking Handbook ('the Handbook') will assist performers, city visitors, businesses and residents to understand the rules for busking while ensuring that safety, access and amenity are maintained. We want to ensure that busking continues to flourish and remains a positive aspect of Melbourne city life.

OBJECTIVES AND PRINCIPLES

Objectives

The City of Melbourne will:

- Support and encourage busking performances to enhance the vibrancy, vitality, diversity and ambience of the city.
- Provide certainty and self-regulation to buskers within a clearly understood, fair and transparent operating framework for managing busking activities.
- Foster an environment that enables a range of busking performances in our city.
- Support the City of Melbourne's [Street Activity Policy 2011](#) and connect to related corporate and strategic policies and plans including the *Melbourne Music Plan* and the [Future Melbourne 2026 Plan](#), particularly the goals of *A Creative City* and *A City for People*.

Principles

Busking is managed according to the following guiding principles:

1. Appropriate location

Busking should only occur in those locations where the activity enhances the vibrancy and social activation of particular streets or precincts.

2. Comfort

Busking should create a comfortable ambience in the public realm.

3. Diversity

Busking performances should positively engage passers-by and create a sense of interest and curiosity.

4. Safety and amenity

Busking must not compromise the amenity of an area or cause excessive noise, lead to excessive amplification, anti-social behaviour or other discomfort to the audience. Buskers have a responsibility to regulate their sound in accordance with the designated sound levels. (Refer to pg. 11)

5. Accessibility

Maintaining adequate clearance, busking should be integrated into the street in a way that does not significantly compromise circulation requirements for other street activities, pedestrian or traffic safety.





DEFINITION AND LOCAL LAW



What is busking?

Busking is the sounding or playing of a musical instrument, singing, giving a recitation or performing any conjuring, juggling, puppetry, mime, dance or other entertainment or doing any of those things concurrently.

A busker is an entertainer who is actively providing a performance in the public place in exchange for a donation.

Types of busking performances may include:

- Performing with an instrument or multiple instruments, conventional or self-constructed.
- Performing a song, dance routine, mime act, clowning, juggling, puppetry, comedy, recitation, magic or living statue act.
- Painting landscapes and chalk art.
- Performing a *circle act*.

What is not considered busking?

Any activity or demonstration involving the sale or exchange of merchandise, products and services is not busking.

Busking permits will not be issued for any of the following activities:

- Vendors of any kind including but not limited to: glow sticks, flowers, jewellery, wire twisting, calligraphy, portraiture and caricature, printed poetry, photography, balloon sculptures, origami, games of chance, cosplay and soliciting donations for photos while dressed in character costumes, and other merchandise sellers.
- Fundraising, events, promotions, surveys, or advertising even if they involve any element of performance.
- Touting or spruiking including religious spruiking or street preaching.
- Political rallying.
- Tarot card reading, palmistry and fortune telling.
- Massage, chiropractic treatment or any other physical manipulation.
- Face or body painting including henna and temporary tattoo applications.
- Animal acts or where animals are involved in any part of the performance.
- Begging.

Fundraising, events, promotions, surveys and advertising

Busking permits will not be issued to individuals, clubs or companies wanting to promote their business or activities or fundraise on behalf of another individual, organisation or entity even if they are engaging in a public performance to do so.

Performers hired by a private organisation as part of an event, market or festival do not require a busking permit. However, event organisers must ensure that the relevant permits for the specific event have been obtained.

For more information about organising events, promotions and fundraising, visit the City of Melbourne [website](#) or contact 03 9658 9658.

Relation to Legislation and Council Local Laws

Under the [Activities Local Law 2009](#) ('Local Law') a permit is required for selling goods or services in the public place. A permit is also required for soliciting trade and other street activity such as busking and displaying goods for sale in a public place.

The Local Law allows the Council to make prescriptions to support the operation and enforcement of the local law. [Prescription 84](#) prescribes the designated sound level for busking activity in the municipality.

The Local Law also sets out the enforcement provisions for any offences for failing to comply with the Local Law.

Do I need permission to busk?

Under the City of Melbourne's [Activities Local Law 2009](#) a permit is required for busking in a public place. A busking permit may also allow buskers to collect a donation, use an amplifier, as well as sell items such as CDs or artworks created while busking.

PERMIT TYPES

Restrictions apply to premium busking sites such as the Bourke Street Mall and designated *circle act* sites. Buskers are required to have the correct permit to perform in restricted areas.

Restricted and no-go zones are listed on the City of Melbourne website.

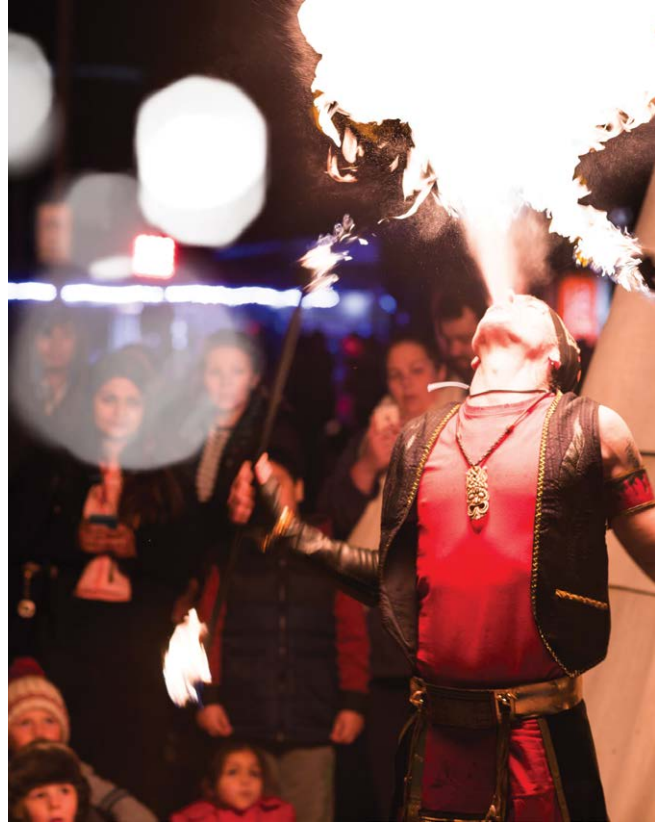
Buskers are responsible for keeping up to date with restricted areas by checking the City of Melbourne [website](#) as the most up to date information will be listed online.

Applicants must demonstrate that they meet the relevant Assessment Criteria (see pg. 13) for their intended permit type(s).

There are four permit categories for busking:

1. General area permit

- Examples include musicians, singers, dancers, magicians, mimes, puppeteers and living statue artists
- A general area permit allows buskers to perform in appropriate locations, except for the premium busking sites such as the Bourke Street Mall, designated *circle act* sites and other restricted areas as specified on the City of Melbourne [website](#).
- Buskers applying for this permit type must demonstrate they meet the level one review criteria.



2. Circle act permit

- Performances may incorporate elements of street theatre, puppetry, dance, comedy, fire manipulation, juggling, acrobatics and other circus skills.
- A *circle act* permit allows buskers to perform in designated locations.
- Applies to performers who have a structured performance or routine that requires the audience to stop, watch and/ or participate.
- Buskers applying for this permit type must demonstrate they meet the level one review criteria.
- Upon request a comprehensive Public Liability Insurance policy must be held in order to be eligible for a *circle act* permit

A *circle act* permit may involve the use of the following substances and props:

- Flammable fuels including Firewater, Shellsol, low odour kerosene, citronella and other low aromatic, inert fuels
- Swords, whips and knives and similar implements provided that they are modified for maximum safety

If not properly managed, some of these materials or substances have the potential to cause serious injury and damage to property and the environment.

A *circle act* permit will not involve the use of the following substances and props:

- Explosives, fireworks, flares.
- Fuels including blue kerosene, shellite, petrol, turpentine, diesel, methylated spirits and alcohol.
- Petrol motor power tools or props including chainsaws, grinders, whipper snippers and lawnmowers.
- Sharp implements not modified for safety such as saws, whips, swords, knives and similar implements.

Circle acts involving the use of flammable substances and/ or modified knives, whips and swords, will be assessed by a City of Melbourne representative and specialist busking peer assessors for *circle act* performers.

Please note: Section 5AA of the Control of Weapons Act 1990 provides that a person must not possess, use or carry a prohibited weapon (other than an imitation firearm) without an exemption under section 8B or an approval under section 8C. The Act references swords, knives and some whips. For more information on items prohibited under the Act and how exemptions can be obtained. Please visit the Victoria Police [website](#).

Circle acts may also be subject to additional criteria and conditions as advised by the specialist peer assessor and the City of Melbourne.

Buskers will be required to demonstrate their skills and experience and demonstrate their understanding of safety for the public and themselves.

3. Premium busking permit (eg: Bourke Street Mall)

- A premium busking permit allows professional buskers to perform in designated locations, for example the Bourke Street Mall. Premium busking locations can be found on the City of Melbourne [website](#).
- Buskers applying for this permit type must demonstrate that they have been busking with a general area permit for a minimum of six months before applying.
- Visiting professional acts seeking a temporary permit may apply without holding a general area permit first.
- Buskers will need to demonstrate that they meet the level one and level two review criteria.
- Premium permit holders can perform in the general area and premium locations specified on their permits.

PERMIT APPLICATION PROCESS

All applicants are required to read and understand this Handbook, the full list of conditions (pg. 16) and the busking information on the City of Melbourne [website](#) before applying for a busking permit.

All applicants are required to:

- Complete an online application
- Pay the relevant fees
- Attend an induction briefing or safety, amenity and performance review as advised by the City of Melbourne
- Agree to adhere to permit terms and conditions.

Please refer to the City of Melbourne [website](#) or phone 03 9658 9658 for detailed application information.

Approval and permit issue

Once an applicant has met all the requirements of the permit application process, a permit may be issued.

By accepting the permit, the busker agrees to fully comply with all of the conditions of the permit and the handbook.

The City of Melbourne reserves the right to approve or refuse an application and feedback will be given upon request.

Rights of appeal

If an applicant disagrees with an application decision, they may put their case in writing to City of Melbourne and request a review.

Please refer to the City of Melbourne [website](#) or phone 03 9658 9658 for further application review information.

Reapplication process

Buskers who have a current busking permit and have previously attended an induction briefing or safety, amenity and performance review can reapply for a permit.

If a permit has expired by more than three months, it will not be renewed and a new application must be completed.

Premium permit holders may only reapply twice. After which, a new application must be completed.

Please refer to the City of Melbourne [website](#) or phone 03 9658 9658 for reapplication information.

Permit fees

Fees apply to all busking permit applications. The fees are as follows:

FEE	PERMIT TYPE	ADDITIONAL FEE FOR SELLING CDS, DVDS, OR APPROVED ARTWORKS MADE WHILE BUSKING (IF REQUIRED)
\$30 Does not include premium permits	<ul style="list-style-type: none"> General area and circle act permits valid for 12 months Short term permits for interstate/international applicants which are valid for three months Permit reapplications valid for 12 months 	\$100
\$70	<ul style="list-style-type: none"> Premium permits valid for 12 months (including reapplications) 	
\$50	<ul style="list-style-type: none"> Short term premium permits for interstate/international applicants which are valid for three months 	

- Fee prices correct as at 1 January 2019 (subject to change)

Permit transfers/refunds

Permits and permit fees are not refundable or transferable.

Public Liability Insurance

Public Liability Insurance is third party insurance intended to protect the legal liabilities of a policy holder against claims made against them by members of the public and anybody else who might be physically injured and/or whose property may be damaged whilst the policy holder is performing. Many organisations including council events and festivals are now requesting evidence of this insurance from performers in order to contract them and/or issue permits to perform.

Council's Public Liability Insurance covers the Council only and excludes cover for other parties including buskers. Therefore buskers are wholly responsible for all claims made against them for personal injury or property damage and it is recommended that buskers have their own Public Liability Insurance policy to cover their potential legal liabilities.

For more information about insurance, visit the City of Melbourne [website](#) or contact 03 9658 9658.

Group acts

Group acts are generally limited to four performers with larger groups assessed on a case-by-case basis. Additional permit conditions may be attached to permits for groups with more than four members. Each member of the group is required to hold an individual permit. The same busking conditions apply to individual, duo and group acts.

Age restrictions

The City of Melbourne reserves the right to impose conditions on approvals to busk for persons under the age of 16 years. Performers under the age of 16 must have parental or legal guardian consent to apply for a permit. Children under this age must have parental or legal guardian supervision at all times while performing.

* If you are busking as a member of a musical group or duo and you are selling the same CD or DVD, only one selling fee of \$100 is applicable. All group members must have their own individual busking permit.

APPLICATION ASSESSMENT - SAFETY, AMENITY AND PERFORMANCE REVIEW

The City of Melbourne is responsible for effectively and safely managing activities in the public place. Buskers must also take responsibility for their actions while performing in a public place. Assessment of each application through a safety, amenity and performance review forms part of the busking application process.

This review will determine if the act fits into the description of busking and assess the safety and amenity aspects of the performance in accordance with the guiding principles. All applications are assessed according to the relevant assessment criteria for each permit type.

An audition is not required for general area buskers or *circle act* performers (unless the performance meets the additional criteria for circle acts or incorporates the use of fuels and props) within the City of Melbourne. However minimum performance standards must be evident in order to be eligible for a busking permit.

Applications for premium permits, including Bourke Street Mall, will be assessed with additional quality criteria as well as a live audition. Short term interstate/international applications will be required to complete a separate pre-assessment.

Attending a safety, amenity and performance review

After initial assessment of a busking application, successful candidates will be required to participate in a safety and amenity review.

Please refer to the City of Melbourne [website](#) or phone 03 9658 9658 for detailed safety, amenity and performance review information.

ASSESSMENT CRITERIA



LEVEL ONE REVIEW CRITERIA

General area and *circle act* busking permits

Safety

- Attention to general safety – set up, personal safety, audience safety.
- What infrastructure and equipment is going to be used in the public place?
- Are cords, leads or wires safely secured?
- Understanding of potential risk of injury to audience or performer.
- Understanding of pedestrian access management.
- Understanding of sound in relation to safety (if applicable).
- Does the performer retain complete control of every aspect of their performance and is safety a concern?

Amenity

- Suitability of the act for the public place.
- Suitability of the act in relation to proposed performance sites (taking into account other city users and stakeholders).
- Suitability of the proposed infrastructure and equipment.
- Presentation and neatness of set-up.
- Understanding of sound management in relation to amenity (if applicable)
 - amplification within prescribed levels and times
 - compliance with performance times
 - a wide enough repertoire to avoid excessive repetition of material
 - How would you monitor your sound so that you stay within the prescribed levels?
- Appropriateness of merchandise (if applicable).
- Interaction with public.
- Suitability of materials for use in a public place.

Performance

- Evidence of an act and repertoire (Is it busking?).
- Performance does not involve unacceptable activities:
 - advertising or canvassing
 - political or religious issues or rallying
- Suitability of the act for the public place, performance does not involve:
 - Profane, obscene, indecent, insulting, discriminatory or threatening language or material
 - sexually explicit language or simulation of sexual acts
- *Circle acts* – is the performance suitable for a *circle act* permit?

Additional criteria for *circle acts*:

Circle act performers who use flammable materials or modified knives, whips, swords or similar implements must hold an appropriately endorsed Public Liability Insurance policy in order to be eligible for a *circle act* Permit.

- Approval is subject to the endorsement of a peer assessor to ensure that applicants have the requisite skills and experience to safely manage any dangerous goods used and demonstrate their understanding of safety for the public and themselves while using them.
- The performance space to be used must be clearly defined. Further instruction and advice will be given by peer assessors at the Safety & Assessment.
- Public property must not be damaged in the course of the performance.
- Please note: Section 5AA of the Control of Weapons Act 1990 provides that a person must not possess, use or carry a prohibited weapon (other than an imitation firearm) without an exemption under section 8B or an approval under section 8C. The Act references swords, knives and some whips. For more information on items prohibited under the Act and how exemptions can be obtained. Please visit the Victoria Police [website](#).

For performances that incorporate the use of fuels and props:

- A serviceable fire blanket or an appropriate serviceable fire extinguisher must be on site, visible and readily accessible for the duration of performances involving flammable materials (including time used for setting up and packing down). The fire blanket and/or fire extinguisher must meet the appropriate Australian standards.
- All fuels that are to be used in the busking performance must be taken to the Safety & Amenity Review.
- All containers must be conspicuously marked with “HIGHLY FLAMMABLE”, in capital letters on both sides of the container.
- The dripping of any flammable liquid on the ground should be avoided at all costs. Buskers are responsible for ensuring that any drip stains are immediately cleaned up.
- Regular maintenance of all fire equipment including wicks and screws. Checks must be carried out prior to any public performance.
- All flammable fuels must be transported in accordance with the Code of Practice for the Storage and Handling of Dangerous Goods 2013 (i.e. with appropriate portable plastic or metal containers).

LEVEL TWO REVIEW CRITERIA

Premium busking permits

In addition to the level one criteria, the following criteria will apply to Premium busking permits:

Performance

- Evidence of ability to entertain and engage an audience.
- Polished performance.
- Evidence of a highly developed repertoire. e.g. Does the performer know a wide variety of music and songs? Does the performer know a wide range of tricks?

Proficiency – skill and experience

- The performance is engaging and buskers are able to draw an audience.
- The performer is highly skilled in their art form.
- The performer retains complete control of every aspect of their performance.
- Safety is never a concern.

Uniqueness – unusual, special, one-of-a-kind

- The performer possesses a unique quality, subtle or dramatic, that gives them an interesting edge.
- The performer has an original repertoire that makes them unlike other performers.

Professionalism – effectiveness, skill, organisation and seriousness of manner

- The performer's equipment is in good working order.
- Sound levels are within acceptable levels. (see designated sound levels pg. 22)
- The performer is punctual and prepared.
- The performer demonstrates an aptitude for communication and cooperation.
- The performer sets a high standard.





PERMIT CONDITIONS, RIGHTS AND RESPONSIBILITIES

Special circumstances

At different times of the year Melbourne enjoys a variety of events and festivals featuring renowned local, interstate and overseas artists. During such times, busking permit conditions may be altered to incorporate a wider range of activities for brief periods of time.

Access to site

An authorised council officer, any member of the Victoria Police, the Federal Police, Emergency Service personnel and any other authorised officer may require busking to stop or a busker to relocate to another busking site for the duration of any particular works. Utilities companies such as phone, gas, electricity and water may need to access a busking site at short notice to carry out repairs.

Public interaction and etiquette

Buskers are expected not to disturb others while busking. This includes incorporating unwilling members of the public into a performance, aggressive soliciting of donations, and mimicking or making fun of members of the public.

In the interest of self-regulation, if a busker is located directly outside a retailer or residential building and is breaching their permit, and/or causing a nuisance the busker should attempt to amicably resolve the issue with the complainant.

If there is no mutually agreeable solution the busker should move on if requested to do so by the retailer or resident or contact a Local Laws Officer on 03 9658 9658 to mediate.

Unacceptable behaviour

Aggressive, abusive, offensive or hostile behaviour will not be tolerated under any circumstances.

Buskers engaging in this behaviour may have their permits suspended and/or cancelled and/or the matter referred to Victoria Police.

The City of Melbourne maintains the right to suspend or cancel permits indefinitely for inappropriate behaviour.



We want your busking experience to be positive

Busking permits are issued on the condition that you agree to:

- Respect and cooperate with other buskers, permit holders, residents, retailers, City of Melbourne and other authorised officers and visitors to the city.
- Be responsible for all aspects of your performance including public safety and sound management.
- Follow the terms and conditions of the Melbourne Busking Handbook.
- Have the correct permit for your activity.
- Maintain your equipment in good order.
- Address any complaints raised about your busking activity and work with Council Officers to resolve any concerns.

Don't risk it!

Your busking permit may be suspended or cancelled, if you don't adhere to the permit conditions.

We will support you by:

- Providing useful information to help you manage your busking performance including sound.
- Keeping you informed of any changes to busking in the City of Melbourne.
- Providing you with information about events and potential performance opportunities.
- Working with you to respond to complaints.

Safety, pedestrian access/audience management and accessibility

To facilitate the provisions of the Disability Discrimination Act (DDA) the following points apply to your busking activity.

Safety

- Buskers must work to ensure that, neither themselves nor their audience, pedestrians or the general public are put at risk at any time during their performance. Buskers must accept responsibility for any impact that their performance may have on other city services and activities.

Pedestrian access/audience management

- Buskers are responsible for managing their audience so that reasonable pedestrian access and public amenity is maintained at all times.
- Buskers must publicly announce and direct crowds either before and/or during the performance to maintain essential access clearances.

Accessibility

- Buskers should ensure that their performance does not block shop doorways, dining areas and cafes during business hours, residential doorways or fire escapes at any time, access to bus or tram stops. Disability access around a site must be maintained at all times.
- Except in areas such as the Bourke Street Mall where street furniture is within a designated busking area, busking should not compromise the general public's access to public seating or street infrastructure such as bicycle hoops or bins.

Busking against building frontages*

- To enable unobstructed access and safety for people who have vision impairment, busking against building frontages is not permitted in the municipality's main and intermediate streets. This means that you cannot perform with your back against a building or place any equipment against the building frontage. This also applies when it's raining.
- Buskers must not perform within five metres of a road intersection including any pedestrian crossing or traffic signals.

Narrow streets and footpaths*

- Some laneways or sections of laneways do not have the footpath space to accommodate busking without interfering with pedestrian access.

Please refer to the City of Melbourne [website](#) for information about these locations as well as locations that have been identified as unsuitable for busking.

Cleanliness and property damage

Buskers must:

- Ensure that their use of the site does not pose a threat to public safety.
- Ensure that the busking site is not stained with any material, chemical or other residue.
- Leave the busking site in the same condition that it was found.
- Ensure that public property is not damaged in the course of the performance.

Distance between busking performances

Set up at a reasonable distance from other performers so that crowding does not occur.

Performers generating sound need to consider other buskers who may not use sound. Performers who generate sound, especially amplified, are expected to negotiate appropriate distances with silent or quieter buskers such as statue acts and magicians.

Sound performances in the general area, should be situated at least 30 metres away from another sound performance and buskers are expected to negotiate cooperatively with each other.

General area artists working on Southbank Promenade should be at least 30 metres away from *circle act* performances.

*There are several laneways and spaces in the city that are closed to vehicle traffic, have a suitable width and/or a defined route of travel where busking against building frontages can be permitted.

Permit display

Buskers should clearly display their valid busking permit at all times during their performance and be in possession of their busking permit when setting up and packing down.

This enables authorised City of Melbourne officers and members of the Victoria Police to check permit details, if necessary, without interrupting a performance.

Busking permits can be attached to a microphone stand, amplifier, easel, or placed on the footpath in front of the performer.

Performing

Buskers may not leave any CDs or other music playing when not performing. Buskers cannot play a CD instead of performing. *Circle act* buskers who use music while setting up their shows and gathering an audience are exempt. For buskers who have additional selling approval, the primary activity must be performance and not sales.

Time on Pitch - how long can I busk in one spot?

Buskers should only perform in the allocated locations within the allocated time frames for their permit type and are encouraged to take breaks.

General area

Buskers are permitted to perform for a maximum of two hours per day at each location. Buskers must move to another busking location (at least 50 metres away) and not return to that location again that day.

Chalk artists or those artists who work on large canvases are permitted to remain in one location for up to eight hours.

Circle acts

A performance must not exceed sixty minutes in duration. Time on the pitch should also include pack up and cleaning of the site.

Premium permit

Depending on the location, premium permit holders will be required to perform in the allocated locations within the allocated timeframes:

- Bourke Street Mall

Bourke Street Mall buskers are permitted to perform for thirty minutes with a thirty minute break for the duration of the set as allocated at the Bourke Street Mall buskers' meeting.

- Other premium busking locations

As new locations for premium permits are designated, these will be published on the City of Melbourne [website](#).



MANAGEMENT OF SOUND GENERATED BY BUSKING

Sound from busking in the public realm has the potential to disrupt business trading, affect workplace performance and detract from public amenity. Even though on-street sound from busking contributes to the vibrancy of the city, it can be the cause of great discomfort for others when it is excessive.

Amplification is permitted while busking in the city in order to balance the needs of a performer to be clearly heard against the reasonable amenity expectations of passers-by or people living or working in proximity.

Amplification enables performers to:

- Save their voices from strain and damage.
- Amplify quieter instruments which are not easy to hear above ambient sound levels.
- Supply a backing track which provides rhythmic assistance, musical accompaniment or music backing for street theatre performances.

Amplification will only be permitted with battery powered devices. Mains powered amplification is strictly prohibited. Generator powered batteries are prohibited.

Repetition and lack of repertoire

No matter how enjoyable a performance or talented an entertainer, a repertoire of only a few songs can quickly become a source of nuisance for a captive audience who may not be able to move to another location for the duration of your performance. If you are in the same spot, playing the same songs every day, even your most ardent fan may soon be reaching for the earplugs. Try to vary your busking locations and set list as much as possible.

Responsibilities of buskers

- Buskers need to be aware of the sound level at which they are performing. To check sound levels, the busker or a person assisting should walk around the public area adjacent to their performance site, using the sound limits indicated in this handbook as a point of reference for what is an acceptable level.
- Buskers should also consider that in order to stay within acceptable sound levels, the volume of their performance should be equivalent to a raised or stage voice.
- Buskers need to consider the qualities of the sound projected into the public place. Characteristics such as distortion can be perceived as louder and cause additional annoyance and intrusion for others.
- Inexpensive, poorly-maintained microphone and loudspeaker equipment tends to contribute to distortion. Distortion can also be caused when a microphone is placed too near to a person's mouth. Distortion issues can often be resolved through simple actions such as equipment maintenance and proper microphone usage. Another common problem is placement of loudspeakers. When loudspeakers are faced towards smooth, reflective surfaces such as glass or concrete the sound becomes amplified and can cause additional annoyance to others.
- Speakers should not be placed so that the sound is projected directly into open shop fronts.
- Some instruments may be naturally loud enough that they do not require amplification to be heard. Examples include some wind instruments and percussion instruments such as drums. It may be inappropriate to use a microphone and amplification for these instruments, as it can result in excessive sound levels, regardless of the equipment settings.
- Authorised officers can suggest actions to reduce noise levels and improve public amenity. Buskers must respond to the instructions of authorised officers regarding sound and public amenity. Buskers may be requested to cease their performance if they are not able to manage sound levels.

Designated sound levels

The limits have been set so that the sound level of busking is slightly greater than general ambient noises and loud enough to be clearly heard above background noise. Potential exists for some louder sounds such as tram bells, to interfere with busking activity, and these are considered reasonable impacts, given that the central city is not a dedicated performance space.

Busking activity in the City of Melbourne should operate at a level so that the sound:

- Is not intrusive above background levels to the degree that a passer-by would have to strain their voice to be heard above the sound.
- Does not drown out other background noise when a person is more than 30 metres from the source of sound.

Sound from busking must be maintained in accordance with the designated sound levels listed below.

Source

Busking - General area and *circle act*

1 metre sound level 81 dB LAeq 1 min

3 metre sound level 72 dB LAeq 1 min

6 metre sound level 66 dB LAeq 1 min

Busking - Bourke Street Mall

1 metre sound level 88 dB LAeq 1 min

3 metre sound level 79 dB LAeq 1 min

6 metre sound level 73 dB LAeq 1 min

An enthusiastic audience or an increase in another performer's volume levels are not valid reasons for exceeding the designated sound levels.

Repeated excessive noise may result in the suspension and/or cancellation of a busking permit.

Permissible amplification times

Amplified busking in most areas is limited to the following times:

- 8am to 10pm Sunday to Thursday.
- 8am to 11pm Friday and Saturday.
- 8am to 11pm on the eve of public holidays.

Amplified busking on Southbank Promenade between Evan Walker Bridge and Queens Bridge is limited to the following times:

- 8am to 10pm Monday to Sunday.

Amplified busking in the chessboard area in front of 140 Swanston Street is permitted from:

- 5.30pm to 10pm Monday to Thursday.
- 5.30pm to 11pm Friday and Saturday.
- 8am to 10pm on Sundays.

Acoustic busking

Acoustic busking can reasonably continue outside the permissible times for amplification. However, as the central city is a capital city zone which houses many residents, buskers will need to take note of the location of hotels, motels and residential buildings before deciding to busk acoustically past the designated times for amplified busking. Please refer to the interactive map on the City of Melbourne [website](#) to check accommodation locations.

Bagpipes, drums and other instruments or performances that are naturally loud without amplification

The above time limits apply to bagpipes, drums and other instruments or performances that are naturally loud without amplification.

Additional restrictions for locations and timings may apply to instruments identified as loud without the use of amplification. Advice and instructions will be provided on permit issue.



Non-amplified busking zones

Non-amplified busking zones are designated for reasons of public safety or amenity.

Any decision to remove amplification or reinstate amplification to an area must be considered in the context of the busking principles. A reduction in permitted sound levels or permissible amplification times will be considered before investigating the removal of amplification from the city streets.

Except where designated in writing by the City of Melbourne, busking with amplification is strictly not permitted in the following areas:

- Outside Flinders Street Station.
- Outside Southern Cross Station.
- Southbank Promenade - between Princes Bridge and Evan Walker Bridge.
- Centre Place.
- Outside accommodation: hotels, motels and residential buildings.

Non-amplified busking zones may change from time to time and differ from this list.

Please refer to the City of Melbourne [website](#) or phone 03 9658 9658 for up-to-date non-amplified busking zone information.



PERFORMANCE LOCATIONS

Busking is permitted in public places where it is able to meet the criteria outlined in the handbook.

Sites may move, be temporarily unavailable or permanently removed at the City of Melbourne's discretion. Buskers must follow the direction of City of Melbourne authorised officers if any busking site becomes unavailable either temporarily or permanently.

Buskers can keep up to date with changes to availability of busking sites by checking the City of Melbourne [website](#) for updates.

Premium permit and *circle act* permit holders are limited to the designated sites for those permit types. Other permit holders may not perform in sites designated for premium permit holders and *circle act* permit holders have priority over designated *circle act* pitches.

Premium permit locations

Performance locations in the Bourke Street Mall

There are six busking sites in the Bourke Street Mall. Currently five busking sites are allocated for musical performances, one site is allocated for non-musical performances such as living statue performances. The five busking sites where musical performances are permitted are in front of the following retail areas:

1. 350 Bourke Street, Melbourne, 3000
2. 327 Bourke Street, Melbourne, 3000
3. 283-297 Bourke Street, Melbourne, 3000
4. 271-281 Bourke Street, Melbourne, 3000
5. 310 Bourke Street, Melbourne, 3000
6. 284-292 Bourke Street, Melbourne, 3000 (non-musical performance site)

Note – As new locations for premium permits are designated, these will be published on the City of Melbourne [website](#).

Performance locations for *circle acts*

Locations generally permitted for *circle act* busking:

- Southbank Promenade
 - In front of 12 Riverside Quay (currently know as Esso House)
 - Queensbridge Square
- Docklands:
 - Waterfront City Docklands
 - New Quay Docklands
 - Victoria Harbour Docklands
- Locations permitted subject to availability and events:
 - Birrarung Marr

Some permits may be issued for small shows and walk by acts for locations other than those listed above. These locations will be listed on the individual permits. *Circle act* performers may also recommend suitable locations to be approved by the Team Leader Street Trading after consultation with the relevant areas of the City of Melbourne.

Please refer to the City of Melbourne [website](#) or phone 03 9658 9658 for busking location information.

BUSKING NO-GO ZONES

Busking 'No-go zones' are designated for reasons of public safety or amenity.

Any decision to designate an area a 'No-go zone' or reinstate a 'No-go zone' to a permitted busking area must be considered in the context of the busking principles.

Any decision to remove busking from a public place to an area must be considered in the context of the busking principles. A reduction in permitted sound levels or permissible amplification times will be considered before investigating the removal of permitted busking locations from the city streets.

Unless otherwise advised in writing by the City of Melbourne, the following locations are designated 'No-go zones' for City of Melbourne busking permit holders:

- Within five metres of any intersection, pedestrian crossing, traffic signal or public telephone booth unless otherwise designated.
- Directly in front of ticket barriers, entrances or steps at train stations.
- Underneath designated super tram stop shelters as this prevents easy access to and from trams at designated tram stops.
- Swanston Street:
 - between Flinders Street and Flinders Lane both east and west sides
 - directly in front of the Town Hall on the eastern side of Swanston Street, between Collins Street and Little Collins Street.
- The intersection of Bourke Street Mall and Swanston Street, on the west side.
- Parks and gardens excluding Birrarung Marr.
- Outside Parliament House.
- Outside or adjacent to
 - hospitals
 - memorial sites (e.g. Shrine of Remembrance, Bali Memorial)
 - places of worship when services are taking place.

Busking is not permitted at any time in residential zones as designated in the Melbourne Planning Scheme. These areas include the General Residential, Residential Growth and Neighbourhood Residential Zones of North Melbourne, West Melbourne, Kensington, Flemington, South Yarra and Parkville. Residential zones are those areas that are primarily for residential purposes.

The CBD and Southbank are located in the Capital City Zone which incorporates residential, business and other uses including street activity. Docklands is in the Docklands Zone. Both the Capital City Zone and Docklands Zone are mixed use areas where busking is permitted.

No-go zones may change from time to time and differ from this list.

Please refer to the City of Melbourne [website](#) or phone 03 9658 9658 for up-to-date busking No-go zone information.

Locations not covered by the City of Melbourne busking permits

- Federation Square.
- Queen Victoria Market.
- Yarra Promenade at the Crown Entertainment Complex between Spencer Street and Queensbridge Street.
- Melbourne Convention and Exhibition Centre, including South Wharf Promenade.
- Privately owned laneways and streets.
- Privately managed shopping arcades.
- Train stations.

These locations are subject to change. Please refer to the City of Melbourne [website](#) or phone 03 9658 9658 for up-to-date busking location information.

Major events and other approved activities

The City of Melbourne issues permits for many other activities in the public place such as events, promotions, festivals, outdoor cafes, markets, street trading, food trucks, handbills and fundraising.

Specific restrictions or blanket prohibition on busking may be imposed during planned major events such as New Year's Eve, White Night, Australia Day, Anzac Day, Moomba or other public holidays or events.

Restrictions may apply during Total Fire Ban days and other extreme weather events.

Any busking site may move or become temporarily unavailable due to an organised special event or other permitted activity. Buskers must follow the direction of City of Melbourne authorised officers if any busking site becomes unavailable. Every effort will be given to providing alternative locations.

In the case of an organised event such as a market, promotion or festival, performers should not attempt to associate themselves with that event unless otherwise advised or invited by the event organiser.

Please refer to the City of Melbourne [website](#) or phone 03 9658 9658 for up-to-date busking location information.

MAKING MONEY FROM BUSKING



Receiving tips and selling

Buskers may give audiences an opportunity to provide voluntary donations or tips by placing an instrument case or container on their busking pitch. Buskers must not solicit funds in a way that is overtly offensive to members of the public. The audience is under no obligation to pay for a performance.

Aggressive soliciting, invasive spruiking, touting, haggling and bartering are not permitted.

Buskers are permitted to tell an audience about upcoming live performances.

Selling guidelines

Unless indicated on the busking permit, buskers must not offer goods or services for sale, display, demonstrate or advertise goods for sale or associate themselves with such advertising in conjunction with their performance.

For buskers wishing to sell in conjunction with their busking performance, unless otherwise indicated on the permit the following conditions apply:

- Buskers may only sell if they have paid any relevant selling fees and have that selling permission recorded on their permit.
- A fee of \$100 per year will apply for those buskers wishing to sell their original work in conjunction with their busking performance.

- Sale items are limited to original works produced or created by the busker (e.g. CDs, DVDs, paintings and drawings).
- Goods such as t-shirts, stickers, tickets and books are not permitted for sale with a busking permit.
- Prints of artworks or drawings are not permitted unless approved in writing by the City of Melbourne.
- Buskers engaged in a musical performance are permitted to display a maximum of 20 pre-recorded CDs/DVDs for sale.
- Buskers are not permitted to play pre-recorded music in the busking location in lieu of a busking performance or while taking a break from busking.
- Buskers must have clearly displayed prices.
- A small sign (approximately A4 sized) located on the busking site may alert the public to this opportunity.

Business cards which can be collected by the public from your instrument case or donations container are permitted and do not require a selling fee to be paid.

COMPLAINTS, DISPUTE RESOLUTION AND COMPLIANCE

Problem solving and managing complaints

Buskers, retailers and residents are encouraged to resolve issues amicably with the aim to enable the busking activity to continue if buskers are working within the conditions of the handbook.

In the interest of self-regulation, if a busker is located directly outside a retailer or residential building and is breaching their permit, and/or causing a nuisance

(for example, loud or intrusive, repetitive, or causing other obstruction) all parties must attempt to resolve the issue amicably.

If there is no mutually agreeable solution the busker should move on if requested to do so by the retailer or resident or contact a Local Laws Officer on 03 9658 9658 to mediate.

Dispute resolution and compliance

The City of Melbourne has a responsibility to monitor busking activities in the public place, including ensuring that permit conditions are consistently maintained.

In the interests of creating and maintaining a lively, safe and entertaining community environment, the City of Melbourne encourages self-regulation of busking activities. Buskers are expected to work co-operatively and take responsibility for managing performance spaces and to solve disputes and complaints at a local level.

Where it is evident that this is not the case, the City of Melbourne undertakes an educational approach by

initiating discussions with permit holders to explain the reasons behind permit specifications. This method of open communication seeks to resolve issues as quickly and amicably as possible.

Following a complaint or a report of a breach of permit conditions or any requirements under the handbook, an authorised City of Melbourne representative will visit the site and seek rectification if a breach is identified. Action is initiated according to the impact the breach is having on the safety, access and amenity of the area.

Cessation and/or relocation

If after all reasonable steps have been taken to rectify a complaint authorised officers of the City of Melbourne or any member of the Victoria Police may direct that a busker cease busking or relocate to another site. Relocation and/or cessation will occur if the officer is of the opinion that the performance is:

- Loud or intrusive.
- Excessively repetitive.
- Causing public inconvenience or nuisance.
- Offensive, inappropriate, dangerous in manner or causing detriment to the amenity of the area.
- Likely to cause harm to the public or property.
- Causing an extended obstruction to pedestrians or vehicular traffic or entrances to shops/buildings.
- Interfering in any way with an approved event or activity without permission.
- Selling or offering for sale any articles or commodity without authorisation.
- In breach of the conditions of the permit.

The busker must immediately comply with such a request which may also result in suspension or cancellation of the permit.

Breach of permit conditions, suspension or cancellation of permit

Any breach of permit conditions will be dealt with in accordance with the enforcement provisions of the Activities Local Law 2009.

Wherever possible, buskers will be educated about breaches of the Activities Local Law before any further action is taken.

Busking enforcement will involve officers undertaking one or more of the following actions:

- Education and/or the issuing of a verbal warning.
- Issue a written warning.
- Issue an infringement notice.
- Suspension or cancellation of permit.

Busking without a permit will also be dealt with in accordance with the enforcement provisions of the Activities Local Law 2009.

Penalties

The prescribed penalty for busking without a permit is \$500 and \$100 for a breach of busking permit under the Activities Local Law 2009. The prescribed penalty for failing to comply with a notice to comply is \$1000.

Cancellation of a permit by permit holder

The permit holder may request the cancellation of a permit at any time. The intention to cancel must be provided in writing to City of Melbourne along with the return of the permit. No refund of permit fees paid will be made.

Infringement review process

By law, you are entitled to request only one review of a fine issued. For information on requesting an infringement review and special circumstances, visit www.melbourne.vic.gov.au/contestfine.

For further information on busking in Melbourne, please visit www.melbourne.vic.gov.au/busking, call on 03 9658 9658 or email busking@melbourne.vic.gov.au.

How to contact us

Online:

melbourne.vic.gov.au

In person:

Melbourne Town Hall - Administration Building
120 Swanston Street, Melbourne
7.30am to 5pm, Monday to Friday
(Public holidays excluded)

Telephone:

03 9658 9658
7.30am to 6pm, Monday to Friday
(Public holidays excluded)

Fax:

03 9654 4854

In writing:

City of Melbourne
GPO Box 1603
Melbourne VIC 3001
Australia



Interpreter services

We cater for people of all backgrounds
Please call 03 9280 0726

03 9280 0717 廣東話
03 9280 0719 Bahasa Indonesia
03 9280 0720 Italiano
03 9280 0721 普通話
03 9280 0722 Soomaali
03 9280 0723 Español
03 9280 0725 Việt Ngữ
03 9280 0726 عربي
03 9280 0726 한국어
03 9280 0726 हिंदी
03 9280 0726 All other languages

National Relay Service:

If you are deaf, hearing impaired or speech-impaired,
call us via the National Relay Service: Teletypewriter (TTY)
users phone 1300 555 727 then ask for 03 9658 9658
9am to 5pm, Monday to Friday (Public holidays excluded)

melbourne.vic.gov.au



CITY OF MELBOURNE