



CITY OF MELBOURNE



Street Activity Policy 2011
Busking Guidelines

Introduction

The Melbourne City Council (City of Melbourne) is proud of its reputation for supporting lively street culture and greatly values the diversity of entertainment that buskers provide in the public realm. Artistic and cultural life is integral to Melbourne as a creative city and City of Melbourne encourages performers from all backgrounds, abilities and through different mediums to showcase their craft in the city. The City of Melbourne is also committed to providing a safe, accessible and culturally sensitive environment for all visitors, workers and residents.

Whilst City of Melbourne recognises the valuable contribution street entertainment and busking performances makes to the life and vitality of the city, it also recognises the importance of having a structured policy framework in place to minimise complaints, criticism and other issues relating to the ambience and amenity of the city's public realm.

The Busking Guidelines 2011 provide this framework to assist performers, businesses and residents in understanding the rules for busking.

The aim is to foster an environment that encourages and enables a range of busking performances to thrive in our city.

Objectives

The objectives of the Busking Guidelines 2011 are to:

- support City of Melbourne's Street Activity Policy 2011 and other strategic policies and plans
- 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
- maintain the heritage of the city's identity and existing levels of public amenity
- minimise complaints, criticism and other problems associated with busking
- facilitate regulated use of the public space

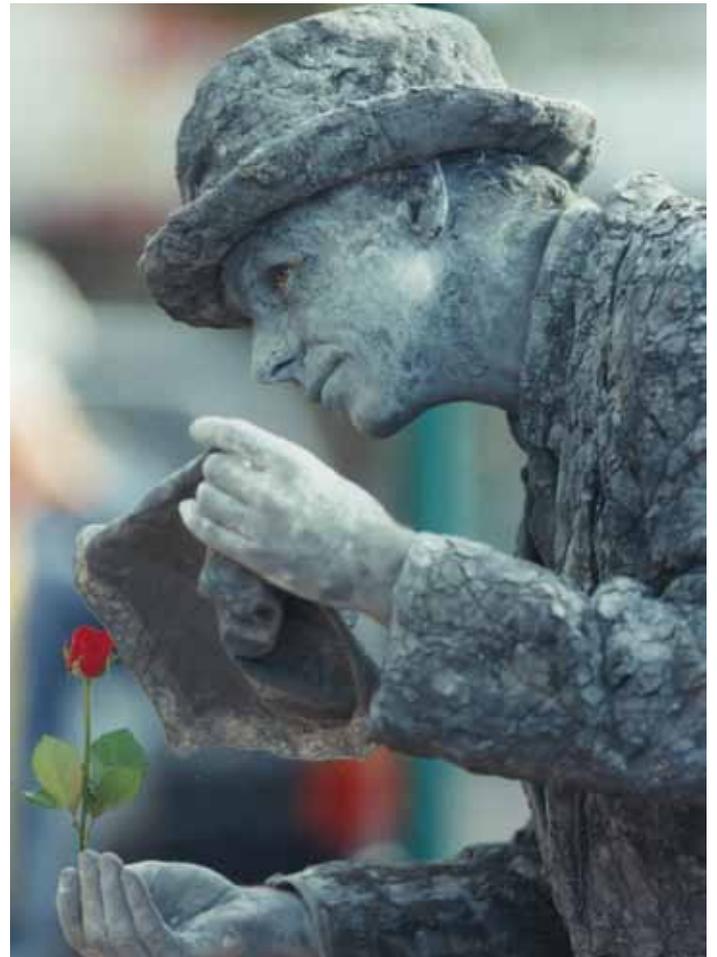


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Principles

The City of Melbourne recognises that:

- Melbourne has a strong history of busking and buskers contribute to the character of the city of Melbourne.
- 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 space for city users.

Appropriate Location

Busking should only occur in those locations where the activity enhances the vibrancy and social activation of particular streets or precincts. The capacity of the street in terms of footpath width and pedestrian volumes is also a primary consideration.

Attractive and Quality of Appearance

Busking should create a comfortable ambience in the public realm and contribute to the amenity of the public space.

Diverse and engaging

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



Safety and Amenity

The safety and security of crowds, pedestrians and residents are significant considerations when assessing a busking application. Busking should provide a sense of safety and security at all times during the performance. It must not compromise the amenity of area caused by noise, excessive amplification, anti-social behaviour or odour from fuels for example.

Accessibility

Busking should be integrated into the street in a way that does not compromise circulation requirements for other street activities, pedestrian or traffic safety through maintaining adequate clearances.

Suitability of performance

Busking in the public realm should be considered suitable and acceptable with regard to safety, amenity and its public appeal.

Definitions and Local Laws

Under City of Melbourne's Activities Local Law 2009, a permit is required for busking in a public place.

The public is entitled to have access to all public places or common ground areas of the municipality. The use of public space is to experience community, social and commercial interaction. The physical openness of the public realm allows pedestrian flow and movement from one place to another.

Permits help to ensure that performers are operating with an understanding of City of Melbourne's policies and Busking Guidelines. All people have equal "right" to use public space.

What is Busking?

In the context of the City of Melbourne's Street Activity Policy 2011, a busker is considered to be an entertainer who is actively providing a public performance in the public space in exchange for a donation.

Busking is defined as sounding or playing a musical instrument, singing, reciting or performing conjuring, juggling, puppetry, miming, dancing or other entertainment or doing any of those things concurrently. Busking also includes the activity of drawing any message, picture or representation on a pavement, paper or canvas surface.

Types of busking performances may include:

- performing with an instrument or multiple instruments, conventional or self-constructed
- performing a song, dance routine, mime, clowning, juggling, puppetry, comedy, magic or living statue act
- actively working in an artistic medium (this excludes pre-built static displays and artworks advertising or promoting a company, event or charity)
- performing a Circle Act with or without dangerous goods (includes the use of substances that are flammable, toxic or hazardous and implements such as swords, knives and whips)

What is not considered busking?

The activities listed below are not considered busking. Busking permits will not be issued for any of the following activities:

- vendors of any kind – including glow sticks, flowers, jewellery and other merchandise sellers
- fundraising, events or promotions even if they involve any element of performance as listed previously
- touting or spruiking
- political rallying
- religious spruiking
- tarot card reading, palmistry and fortune telling
- massage, chiropractic treatment or any other physical manipulation
- face or body painting
- artists selling pre-fabricated work – pavement artists must be actively engaged in producing their artistic medium and not simply selling displayed goods
- temporary tattoo applications
- any activity defined as street trading pursuant to City of Melbourne's Street Activity Policy 2011
- begging (begging is illegal under the Summary Offences Act and enforcement is the responsibility of the Victoria Police).

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 do not require a busking permit. However, event organisers must ensure that the relevant permits for the specific event have been obtained.

Permit Types

There are four permit categories for busking:

1. General Area Permit

- Applies to buskers who do not use any dangerous goods in their performance.
- Examples include musicians, singers, dancers, magicians, mimes, puppeteers and living statue artists.
- Buskers applying for this permit type are assessed by Level 1 Review Criteria at a Safety, Amenity and Performance Review.
- A General Area Busking Permit allows buskers to work in appropriate locations within the boundaries of the City of Melbourne, excluding the Bourke Street Mall or designated Circle Act sites.

2. Pavement Art Permit

- Applies to artists actively engaged in an artistic medium who work either directly on the pavement with chalk or other approved material on paper, canvas or other removable surfaces in areas within the municipality as advised.
- Buskers applying for this permit are assessed by Level 1 Review Criteria at a Safety, Amenity and Performance Review.
- A Pavement Art Busking Permit allows buskers to work in appropriate locations within the boundaries of the City of Melbourne, excluding the Bourke Street Mall or designated Circle Act sites.

3. Bourke Street Mall Permit

- Applies to professional buskers who do not use any dangerous goods in their performance.
- Professional buskers are defined as the ongoing, year-round local Victorian performers, who have developed their skills to a professional level.
- To apply, buskers must have held a General Area Permit for a minimum of six months and be assessed by Level 2 Review Criteria at a Safety, Amenity and Performance Review.
- Visiting professional acts may apply without waiting the six month period but they need to attend a Safety, Amenity and Performance Review.
- A Bourke Street Mall Busking Permit allows buskers to work in designated locations within the Bourke Street Mall.

4. Circle Act Permit (with or without Dangerous Goods)

- Applies to performers who have a structured performance or routine that requires the audience to stop, watch and/or participate and may use dangerous goods as part of their act.
- Performances may incorporate elements of street theatre, puppetry, dance, comedy, fire manipulation, juggling, acrobatics and other circus skills.
- Buskers applying for this permit are assessed by Level 1 Review Criteria and are subject to the endorsement of a peer assessor to ensure that they have the requisite skills to safely manage any dangerous goods used and the large crowds that these acts can draw.
- Performers who wish to use dangerous goods as part of their performance will need to demonstrate their skills and experience with the use of the dangerous goods and demonstrate their understanding of safety for the public and themselves while using them.
- Dangerous goods include the use of substances that are flammable, toxic or hazardous and props such as swords and knives. It includes substances that present an immediate danger to people property or environment and extends to instruments that may have been modified for safety but can still be perceived as dangerous.
- Dangerous goods include but are not limited to, sharp implements or those that pose a risk, such as swords, knives, bed of nails, whips or fire.
- The use of petrol motor power tools or props including chainsaws, grinders, whipper snippers and lawn-mowers is not permitted.
- A Circle Act Busking Permit allows buskers to work in designated locations within the boundaries of the City of Melbourne.
- Circle Acts are only permitted in designated circle act sites that have been established to safely accommodate large crowds.

Permit Application Process

Application Forms

Application Forms are available:

- at the front counter of the Town Hall, located at 90-120 Swanston Street, between Little Collins and Collins streets, between 7.30am to 5pm, Monday to Friday
- to download at the City of Melbourne's Enterprise Melbourne Website: <http://www.melbourne.vic.gov.au/enterprisemelbourne/industries/design/StreetEntertainment/Pages/StreetEntertainment.aspx> or
- on request by contacting the Street Trading Team directly on busking@melbourne.vic.gov.au or calling 9658 9658.

Completed application forms may be submitted via any of the following:

- Post: Busking Coordinator (Street Trading), GPO Box 1603, Melbourne VIC 3001
- In Person: Melbourne Town Hall, 90-120 Swanston Street, Melbourne
- Email: busking@melbourne.vic.gov.au or
- Fax: 03 9658 8886

All applicants must complete an individual application and register to attend a Safety, Amenity and Performance Review. New permits will not be issued until an applicant has attended a Safety, Amenity and Performance Review and paid any relevant fees.

Frequency

Applications will be accepted at any time, but buskers must first register to attend a Safety, Amenity and Performance Review. Buskers will receive confirmation of time and date of the Safety, Amenity and Performance Review and will be expected to attend.

Safety, Amenity and Performance Reviews

General Area and Pavement Art Permit Applications:

- fortnightly in the Nat Bonacci Room, Mezzanine Level, Council House Two, 240 Little Collins Street, Melbourne. Refer to list of dates at <http://www.melbourne.vic.gov.au/enterprisemelbourne/industries/design/StreetEntertainment/Pages/StreetEntertainment.aspx>

Circle Act Permit Applications:

- once per month in a location specified by the City of Melbourne. Please call 9658 9658 to book a review time. Refer to list of dates at <http://www.melbourne.vic.gov.au/enterprisemelbourne/industries/design/StreetEntertainment/Pages/StreetEntertainment.aspx>

Bourke Street Mall Permit Applications:

- once per month in a location specified by the City of Melbourne. Please call 9658 9658 to book a review time. Refer to list of dates at <http://www.melbourne.vic.gov.au/enterprisemelbourne/industries/design/StreetEntertainment/Pages/StreetEntertainment.aspx>

Fees

- An application fee of \$20 per year will apply for all new permit applications.
- A reapplication fee of \$10 per year will apply for all permit types.
- An application fee of \$10 for short term permits for interstate/international applicants which are valid for three (3) months.
- An annual fee of \$50 will apply for those artists wishing to sell CDs, DVDs or other original merchandise while they are busking.

Safety, Amenity and Performance Review

The City of Melbourne is responsible for effectively and safely managing activities in the public space. Buskers must also take responsibility for their actions while performing in a public space. Attendance at a Safety, Amenity and Performance Review ('Review') forms part of the busking application process.

The review is designed so that buskers have an opportunity to gain an understanding of their rights and responsibilities while performing. It is also a forum for buskers to ask questions on general safety and amenity considerations.

The Review has two compulsory parts – **Assessment** and **Information Briefing**

1. Assessment

A quality assessment will not be required by general area buskers, pavement artists or circle act performers within the City of Melbourne. Bourke Street Mall buskers will be assessed with additional quality criteria.

This part of the Review will determine that the proposed act is busking as previously defined and assess the safety and amenity aspect of the performance.

This Review is also aimed to ensure the act does not involve sexually explicit performances, revolve around political or religious issues, rallying, and to ensure appropriateness of language.

The examination of safety and amenity aspects of performances at the Review will also assist to minimise the resource demands on the City of Melbourne's Compliance and Local Laws Officers.

Issues relating to noise management and risk management can also be resolved at this time.

Two levels of safety, amenity and performance will apply with scaled criteria according to the four busking permit types.

2. Information Briefing

This briefing is intended as a forum to assist buskers to gain an understanding of the terms and conditions of busking in the city.

All new applicants will be briefed on permit terms and conditions which include:

- requirements for performance space management
- audience and pedestrian management
- safety procedures
- local laws and compliance procedures
- expected behaviours.

Applicants will have the opportunity to meet experienced buskers, gain access to mentoring and other programs if requested and meet with the City of Melbourne's Busking and Program Coordinator and Local Laws Officers.

Applicants must bring:

- full costume or costumes to be used if applicable
- all instruments and objects(dangerous or not) that form part of the busking performance
- suitable proof of identity in one of the following forms:
 - a current Australian motor vehicle driver's licence
 - a current passport
 - a bank card or credit card with signature
 - a student identity/proof of age card
 - a Statutory Declaration issued by the Victoria Police
 - a Medicare or Health Care card.



Review Structure

Applicants will be allocated a minimum of five (5) minutes to demonstrate their act/performance to the Busking Safety, Amenity and Performance Review Panel (“Busking Panel”).

For **General Area and Pavement Art** permit applications the Busking Panel will be comprised of a combination of a minimum of three (3) of the following:

- a representative of the busking community (busker)
- a representative from the City of Melbourne’s Arts & Culture Branch
- a representative from the City of Melbourne’s Events Melbourne Branch
- a representative from the City of Melbourne’s Tourism Melbourne Branch
- a representative from the City of Melbourne’s Street Trading Team.

For **Bourke Street Mall** applications, the panel will also include:

- a specialist busking peer assessor, rotated on a regular basis.

For **Circle Act** permit applications, performers will be assessed by a City of Melbourne representative and a specialist busking peer assessor for Circle Act performers, rotated on a regular basis.

Review Assessment Criteria

Two levels of safety, amenity and performance criteria will apply with applicants being determined as unsatisfactory or satisfactory according to the category of busking.

LEVEL 1. REVIEW CRITERIA

General Area, Pavement Art and Circle Act Busking Permits

Safety

- Attention to general safety – set up, personal safety, audience safety
- Understanding of potential risk of injury to audience or performer
- Understanding of pedestrian access management

Amenity

- Amplification within prescribed levels and times (if applicable)
- Suitability of the act in relation to proposed performance sites (taking into account other city users and stakeholders)
- Appropriateness of merchandise (if requested on application)
- Interaction with public
- Compliance with performance times
- Presentation of performer and neatness of set-up
- Pavement Artists – suitability of materials for use in a public place.

Performance

- Evidence of an act and existence of repertoire (Is it busking?)
- Performance does not involve advertising or canvassing
- Performance does not involve political or religious issues or rallying
- Appropriateness of language
- Performance does not involve sexually explicit language or simulation of sexual acts
- Circle Acts – Is the performance suitable for a Circle Act Permit?
- Circle Acts – Does the performer retain complete control of every aspect of their performance and is safety ever a concern? (as endorsed by a peer assessor)

Additional Criteria for Circle Acts who use Dangerous Goods:

- Must hold current Public Liability Insurance cover.
- Approval is subject to the endorsement of a peer assessor to ensure that they 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.
- Clearly define the performance space to be used. Further instruction and advice will be given by the peer assessor at the Safety & Amenity Review.
- Ensure that public property is not damaged in the course of the performance.

For performances that incorporate the use of fire:

- A WorkCover approved fire blanket or extinguisher in their performance kits that is kept visible and accessible throughout the performance.
- Limit the use of flammable fuels to Firewater, Shellsol, low odour kerosene, citronella and other low aromatic, inert fuels as advised by the peer assessor.
- Fuels including regular (blue kerosene, shellite, petrol, turpentine, diesel, methylated spirits and alcohol are not permitted).
- All fuels that are to be used in the busking performance must be taken to the Safety & Amenity Review.
- Store and transport any flammable liquids permitted under the Code of Practice in accordance with chapter 7 of the Australian Dangerous Goods Code (7th ed) i.e:
 - appropriate portable plastic or metal containers.
 - 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. It is the responsibility of all buskers to ensure any drip stains are immediately cleaned up.
- Regular maintenance of all fire equipment including wicks and screws. Checks to be carried out prior to any public performance.

LEVEL 2. REVIEW CRITERIA Bourke Street Mall Busking Permits

In addition to the Level 1 Review criteria, the following criteria will also apply to Bourke Street Mall 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?

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 and makes them unlike other performers.

Professionalism – Effectiveness, Skill, Organization and Seriousness of Manner

- The performer's equipment is in good working order and sound levels are within acceptable levels.
- The performer is punctual and prepared.
- The performer believes in communication and cooperation.
- The performer sets a high standard and inspires fellow artists.

Approval and Busking Permit Issue

Once the applicant successfully completes a Safety, Amenity & Performance Review and any required fee payments have been made in accordance with application requirements, a permit may be issued.

By accepting the permit, the busker agrees to fully comply with all of the terms and conditions of the permit and the Busking Guidelines on the understanding that the permit may be suspended, cancelled or revoked on non-compliance of any condition contained within these guidelines.

Additional conditions may be attached to any permit as per the Busking Panel's recommendations.

The Busking Panel reserves the right to approve or refuse an application and feedback may be given upon request.

Rights of appeal

If a busker feels aggrieved about the Busking Panel's decision they may put their case in writing to the Team Leader, Street Trading and request a second Review. If they are unsuccessful at a second review or audition, the applicant may re-apply for a permit after three (3) months. At this time, access to mentoring by more experienced buskers may be provided.

Permit Transfers/Refunds

Permits are non-transferable or refundable and apply only to the nominated holder.

Reapplication Process

Buskers who have previously attended a Safety, Amenity and Performance Review can reapply by:

- completing a reapplication form. These are available:
 - at the front counter of the Town Hall, located at 90-120 Swanston Street, between Little Collins and Collins streets, between 7.30am to 5pm, Monday to Friday
 - to download at the City of Melbourne's Enterprise Melbourne Website: <http://www.melbourne.vic.gov.au/enterprisemelbourne/industries/design/StreetEntertainment/Pages/StreetEntertainment.aspx> or
 - on request by contacting the Street Trading Team directly on busking@melbourne.vic.gov.au or calling 9658 9658

Completed application forms may be submitted via any of the following:

- Post: Busking and Program Coordinator (Street Trading), GPO Box 1603, Melbourne VIC 3001
- In Person: Melbourne Town Hall, 90-120 Swanston Street, Melbourne
- Email: busking@melbourne.vic.gov.au or
- Fax: 03 9658 8886

A reapplication fee of \$10 per year for all permit types will apply.

Permits will not be reissued until the relevant fees have been paid.

General Guidelines and Conditions

Special Circumstances

At different times of the year and particularly during the summer months Melbourne enjoys a variety of programs 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.

General guidelines and conditions may include but are not limited to the following:

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. It is mandatory that children under this age have parental or legal guardian supervision at all times whilst performing.

Animals

The use of non-domesticated animals will not be permitted as part of a busking performance.

Buskers who use animals as part of their act:

- need to ensure that their act complies with RSPCA guidelines for the use of animals in entertainment
- must comply with the Domestic Animal Act 1994
- must provide a clean, comfortable and safe environment for the animal while performing
- must not put themselves, the animal or any member of the public in danger at any time
- will be wholly responsible for addressing any allegations of cruelty or misconduct directed against them
- may be subject to additional conditions as determined at the Safety, Amenity and Performance Review and strictly enforced.

Group acts

Group acts are generally limited to four (4) performers with larger groups assessed on a case-by-case basis. Each member of the group is required to hold an individual permit. The same busking conditions apply to both individual, duo and group acts.

Public Liability

Buskers are wholly responsible for all claims made against them for personal injury or property damage. Circle Act performers who use dangerous goods or perform dangerous acts must hold their own public liability insurance in order to be eligible for a Circle Act Permit. Buskers are not covered under the City of Melbourne's public liability insurance policy and are encouraged to hold their own public liability insurance.

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 maintaining pedestrian flow and public amenity at all times.

Buskers and street performers must ensure free and safe access for pedestrians along any pathways or thoroughfares near the performance site. Performers should ensure that they or their audience do not block shop doorways during business hours, dining areas and cafes, bus stops, tram stops, fire escapes, roads and residential doorways. Wheelchair access around a site must be maintained at all times. To enable unobstructed access and safety for people who are visually impaired, busking against the building line is not permitted. Buskers must not perform within five (5) metres of a road intersection including any pedestrian crossing or traffic signals.

Buskers must publicly announce and direct crowds either before and/or during the performance to maintain essential access clearances as indicated above.

Cleanliness

Buskers must keep the site in use clean while they are working, ensure that their use of the site does not pose a threat to public safety and that the busking site is left in the condition that it was found. Pavement Art and Circle Act permit holders must ensure that the busking site is not stained with any material, chemical or other residue.

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.

Designated sound levels

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
- is not be readily audible over other background noise when a person is more than two standard building frontages from the source of sound
- should not be intelligible from the far side of a four lane carriageway.

The sound levels from a busking performance shall at no time disrupt business trading including retail and dining establishments, affect workplace performance or detract from public amenity.

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

| Source | 3m sound level | 6m sound level |
|---------------------------------------|-------------------|-------------------|
| Busking - General Area and Circle Act | 75 dBA L10, 1 min | 69 dBA L10, 1 min |
| Busking - Bourke Street Mall | 82 dBA L10, 1 min | 76 dBA L10, 1 min |

Regardless of the above sound levels, if the noise output has generated complaints and is determined to be intrusive, the busker **must cease performance immediately or if amplified, at least turn it down to a level acceptable to an authorised officer.**

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 cancellation of a busking permit.

Amplification

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

Permissible Amplification Times

Amplified busking 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

Unless prior approval has been granted in writing by the City of Melbourne, busking with amplification outside these hours will not be permitted.

Busking with amplification beyond these hours will be examined on a case-by-case basis in specific entertainment precincts. Buskers must apply to the Busking and Program Coordinator.

If amplification has been approved outside the standard times, the terms and conditions for the use of amplification will be noted on the relevant busking permit.

Without the relevant approvals, amplified performance outside of the designated times will result in an immediate Notice to Comply being issued.

Non-Amplified Busking Zones

Amplified busking is strictly not permitted in the following areas:

- Anywhere outside of Flinders Street Station
- Anywhere outside of Southern Cross Station
- On the promenade in front of the Southgate Precinct without written permission from the City of Melbourne
- In the City Square, without written permission from the City of Melbourne (Circle Acts exempt)
- Outside accommodation: hotels, motels and residential buildings. *(Silent acts such as Pavement Artists, living statues or musical buskers with non-amplified equipment or instruments that are not considered naturally loud will be considered on a case-by-case basis if busking performance is directly adjacent to a residential building/accommodation facility).

Distance between busking performances

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

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 pavement artists, statue acts and magicians.

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

Additional restrictions for locations and timings will apply to instruments identified as loud without the use of amplification. Advice and instructions will be provided at the Safety, Amenity and Performance Review.

Performance Times

General Area

Buskers should perform in the allocated locations within the allocated timeframes and only perform for a maximum of two (2) hours per day at each location. Buskers are encouraged to take breaks. Upon completion of the two (2) hour maximum for that location the busker must move to another busking location (at least more than four building frontages away) and not return to that location again that day.

Bourke Street Mall

Bourke Street Mall buskers are permitted to perform for thirty (30) minutes with a thirty (30) minute break for the duration of the day as allocated at the Bourke Street Mall buskers meeting.

Circle Acts

A performance must not exceed sixty (60) minutes in duration. Time on the pitch should also include pack up and cleaning of the site.

Pavement Artists

Chalk artists are permitted to remain in one location for a day. Portrait and other Pavement Artists may remain in the same location for a four (4) hour period and then must move to another location at least more than four building frontages away.

Performance Locations

Busking is permitted in public spaces throughout the City of Melbourne where it is able to meet the criteria outlined in the Busking Guidelines 2011.

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.

Examples of appropriate locations

- Streets with wide footpaths in the Capital City Zone (e.g. Swanston Street, Collins Street)
- New Quay, Docklands
- Waterfront City, Docklands
- Harbour Esplanade, Docklands
- Southbank promenade including Freshwater Place
- Riverside Quay
- Lygon Street (Piazza Italia)

Performance locations in the Bourke Street Mall

There are six (6) busking sites in the Mall - currently there are five (5) busking sites where musical performances are permitted, one site is allocated for non-musical performances and may also be used as a promotional site by Events Melbourne when required. An additional site for non-musical performances is located in Bourke Street East outside 246 Bourke Street.

The five (5) busking sites where musical performances are permitted are in front of the following retail areas:

1. 'GPO' - 350 Bourke Street, Melbourne, 3000
2. 'Forever New' - 327 Bourke Street, Melbourne, 3000
3. 'Jetty Surf' - 283-297 Bourke Street, Melbourne, 3000
4. 'Body Shop' - 271-281 Bourke Street, Melbourne, 3000
5. 'David Jones' - 310 Bourke Street, Melbourne, 3000

The sites allocated for non-musical performances are located in front of the store windows situated at 284-292 Bourke Street, Melbourne, 3000 on the Northern side of the mall and outside the store windows on Bourke Street East at 246 Bourke Street.

Performance locations for Circle Acts

Busking will generally be permitted in areas where the activity creates an attractive, comfortable and safe ambience for the public. Specific sites and locations for Circle Act busking performances may be designated and pre-determined by the Engineering Services Infrastructure Unit. These are also subject to change at the discretion of City of Melbourne's Engineering Services Branch.

Circle Act performers may also recommend suitable locations to be approved by the City of Melbourne's Engineering Services Branch.

Locations generally permitted for Circle Act Busking:

- Riverside Quay (Esso Building)
- Southbank Promenade (River Level near the Arts Centre once redevelopment has been completed)
- Red Square (Freshwater Place)
- Waterfront City Docklands
- New Quay Docklands
- Victoria Harbour Docklands
- Locations permitted subject to availability and events:
- Birrarung Marr
- Piazza Italia, Lygon Street Carlton
- City Square (subject to availability)
- Some permits will be issued for small shows and walk by acts for locations other than those listed above. This will be decided at the Safety & Amenity Review after reviewing the performance.

Performance Locations for Pavement Artists

Locations generally permitted:

- Central City areas (except Bourke Street Mall)
- Swanston Street (East side) between Collins Street and Flinders Lane - Outside City Square
- Bourke Street between Swanston Street and Spring Street excluding intersections.
- Riverside Quay
- Southbank Promenade between Queensbridge Square and the pedestrian bridge from Flinders Street station.
- Piazza Italia, Lygon Street Carlton
- Waterfront City Docklands
- New Quay Docklands
- Victoria Harbour Docklands

Pavement Artists may also recommend suitable locations to be approved by the City of Melbourne's Engineering Services Branch.

Busking No-Go Zones

The following locations are designated “No-Go Zones” for City of Melbourne Busking Permit Holders:

- Southbank Promenade before 8am and after 10pm
*(excepting silent acts such as Pavement Artists and living statues.) Circle Acts must finish by 11.30pm
- within five (5) metres of any intersection, pedestrian crossing, traffic signal or public telephone booth unless otherwise designated and excluding circle act pitches
- the intersection of Bourke Street Mall and Swanston Street – west side
- directly in front of entrances or steps at train stations.
- in any location that 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
- parks and gardens excluding Birrarung Marr
- outside or on the grounds of Government Buildings including but not limited to State Parliament and Government House
- outside or on the grounds of hospitals
- Outside accommodation hotels, motels and residential buildings. *(Silent acts such as Pavement Artists, living statues or musical buskers with non-amplified equipment or instruments that are not considered naturally loud will be considered on a case-by-case basis if busking performance is directly adjacent to a residential building/accommodation facility)
- Outside residential dwellings in designated residential zones of the City of Melbourne in North Melbourne, West Melbourne, Kensington, Flemington, South Yarra, and Parkville
- hotels, motels, residential buildings and other special accommodation.
- in designated residential zones of the City of Melbourne in North Melbourne, West Melbourne, Kensington, Flemington, South Yarra, Parkville.
- the promenade at the Crown Entertainment Complex between Spencer Street and Queensbridge Street
- outside, adjacent to or on the grounds of places of worship, religious, and memorial sites (e.g. Shrine of Remembrance, Bali Memorial)

- Federation Square (apply directly to Federation Square management for busking permit)
- Queen Victoria Market (apply directly to Queen Victoria Market management for busking permit)
- narrow streets and footpaths with inadequate pedestrian capacity and against the building line
- directly in front of entrances or exits to shopping centres, arcades, businesses or residential buildings.

Bourke Street Mall 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 Bourke Street Mall permit holders and Circle Act Permit holders have priority over designated Circle Act pitches.

Permit Display

Buskers should display their Busking Permit in a clearly visible position during their performance and be in possession of their busking permit at all times when carrying out busking activities i.e. setting up.

Monetary Appreciation

Buskers may give audiences an opportunity to provide voluntary donations by placing a container on their site. Buskers may not approach individuals requesting money or solicit funds in a way that is overtly offensive to members of the public.



Selling Guidelines

Unless in accordance with specific conditions on a 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 original merchandise in conjunction with their busking performance, the following conditions and guidelines apply:

- Merchandise will be limited to original works produced or created by the busker (e.g. CDs)
- A fee of \$50 per year will apply for those buskers wishing to sell original merchandise in conjunction with their busking performance
- Buskers engaged in a musical or circle act performance are permitted to sell and display a small number of pre-recorded CDs/DVDs of their own original work
- 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
- Pavement artists are permitted to sell a small amount of works produced while busking with some pre-fabricated artwork displayed and/or offered for sale. The display of pre-created artwork must not occupy more than one square metre. This will be determined in consultation with the applicant at the Safety, Amenity and Performance Review. A small sign (no larger than A4) located on the busking site may alert the public to this opportunity
- Street performers may not display, demonstrate or advertise other goods or services for sale or associate themselves with advertising in conjunction with their performance
- Buskers must have clearly displayed prices
- Soliciting, spruiking, touting, haggling and bartering are strictly prohibited.

Access to site

An Authorised Council Officer, any member of the Victoria Police, Emergency Service personnel and any other authorised officer may require the busker to relocate to another busking site for the duration of any particular works including emergencies that are being carried out in the area.

Major events and public holidays

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

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

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

Public Interaction and Etiquette

The busker should add to the amenity of the area by adhering to the Busking Guidelines 2011 and developing a community minded approach to their performance.

Buskers are encouraged to establish good relationships with retailers and nearby traders.

Buskers are expected not to harass, annoy or disturb people, traders or residents while busking.

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 (loud or intrusive, repetitive, or causing any other obstruction) the busker should 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 to mediate.

Complaints, Dispute Resolution and Compliance

In the interests of creating and maintaining a lively, safe and entertaining community environment, the City of Melbourne encourages self-regulation of busking activities. The Busking Guidelines 2011 encourages street performers 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 Busking Guidelines 2011, a City of Melbourne representative will visit the site and seek rectification if a breach is identified. Action is initiated according to 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, if the officer is of the opinion that the performance is:

- loud or intrusive
- excessively repetitive
- causing public inconvenience
- likely to cause harm to the public or property.

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.

The general enforcement protocol is as follows:

1. Education and verbal warning issued – details documented on file
2. Written warning – A Notice to Comply is issued
3. Infringement Notice is served if offender has failed to act after Notice to Comply
4. Permit will be suspended or cancelled
5. Any further offence will be dealt with by the immediate issuing of an Infringement Notice or by the suspension/cancellation of the permit.

The City of Melbourne may issue a show cause notice on the person or persons holding a busking permit, giving reasons for the suspension, amendment or cancellation of the permit.

The show cause notice will allow the permit holder to respond within a specified period as to why the permit should not be suspended, amended or cancelled.

A decision notice will then be issued by an authorised City of Melbourne officer at the expiration of the specified period.

The prescribed penalty for a breach of the busking permit under the Activities Local Law 2009 is \$500. The prescribed penalty for failing to comply with a notice to comply is \$1000.

The City of Melbourne may decide that a permit should be suspended, amended or cancelled if the permit holder fails to comply with the requirements and conditions of approval.

Busking permits may be cancelled immediately and without prior notification in circumstances where the performance/performer is:

- Deemed by the City of Melbourne to be causing a nuisance, behaving in an offensive, inappropriate, dangerous manner or causing detriment to the amenity of the area.
- Causing an 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.

Behaviour

Expected Behaviours and Attitudes

- cooperation with retailers, residents, other buskers, City of Melbourne and other authorised officers
- respect
- responsibility for own performance and surrounding environment
- willingness to address complaints

The following behaviour will not be tolerated under any circumstances. Buskers engaging in this behaviour will have their permits suspended immediately and may be cancelled depending on the circumstances. The City of Melbourne maintains the right to suspend or cancel permits for repeated inappropriate behaviour

Unacceptable behaviour

- aggressive, abusive, offensive or hostile behaviour
- use of obscene expletives
- unwillingness to cooperate with retailers, residents, other buskers, City of Melbourne and other authorised officers
- personal attacks or insults
- hostility
- threats of physical violence

For an further information on the City of Melbourne Busking Guidelines 2011 please contact 9658 9658 or email busking@melbourne.vic.gov.au



