

**DUNGOG SHIRE COUNCIL
BUSKERS' CHECKLIST**



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Dungog Shire Council encourages busking, recognising that street performance adds to the atmosphere of the Town or Village and helps to activate public spaces. The Checklist clarifies the standards that are expected of buskers and assists Council to manage public space and the interests of the community.

In General, Council does not issue busking permits, but welcomes buskers to perform who are prepared to comply with the Dungog Shire Council's Buskers Checklist. Formal approval must be sought for activities detailed in the 'Additional Permissions' section below.

DEFINITION

A busker is 'an entertainer who gives performances in streets, parks, markets etc. usually collecting donations from impromptu audiences'.

1. ACTIVITIES THAT ARE NOT BUSKING

Activities that are not considered busking include:

- Street trading
- Religious preaching and promotions
- Fundraising
- Promotions and events
- Political rallying.

2. ADDITIONAL PERMISSIONS

Formal approval must be sought directly from Council if:

- Buskers wish to perform onsite during one of the Town or Village special events
- Buskers wish to directly mark the pavement with temporary or permanent materials
- Buskers plan to use dangerous materials in their act.

3. LOCATION

When buskers are setting up their performance site, they must ensure:

- They are located at least 50m from another busker
- Their site is kept clean and free of any trip hazards for pedestrians
- Pathways and thoroughfares are maintained
- Thoroughfares into surrounding premises are maintained.

Buskers are responsible for their own performance site and are required to provide local retailers consent (form attached), and cooperate with other buskers and community members.

4. DONATIONS AND SELLING OF GOODS

Buskers can give members of the public the opportunity to provide a voluntary donation by placing a receptacle within their performance site.

Buskers cannot directly approach individuals requesting money. Soliciting, spruiking and haggling are prohibited.

5. PERFORMANCE TIMES AND NOISE LEVELS

Buskers can perform between the hours of 8.00am and 10.00pm, for a maximum of two hours per day at the same site.

The volume of sound from busking performances must not be loud enough to disrupt local businesses or be plainly heard at a distance of 50m.

6. SAFETY AND LIABILITY

Buskers must ensure that they, their audience, or members of the public are not put at risk at any time during their performance.

Buskers are responsible for all claims made against them for personal injury or property damage and are encouraged to hold their own public liability insurance. Buskers are not covered by any insurance policy held by Council for public liability or personal injury.

7. DANGEROUS MATERIALS

Buskers cannot use dangerous materials or implements as a part of their performance that pose a risk to themselves or their audience unless they have prior permission from Dungog Shire Council, hold an Australian Circus and Physical Theatre Association (ACAPTA) PASS (Peer Assessment for Street Safety) and their own public liability insurance.

Dangerous materials and implements include, but are not limited to:

- Flammable materials and chemicals, fireworks, flares, and fire
- Knives, swords, spears or blades.

8. AGE RESTRICTIONS

Buskers under the age of 16 must be accompanied by a parent or legal guardian while performing.

9. BREACHES

If a complaint is made to Council about a busker, a Council Officer will visit the site to investigate if the busker has breached the Code of Conduct. A Council Officer is an appropriately authorised officer of the Council.

A Council Officer or Police Officer can direct that a busker relocate to another site, or cease performing if the performance/performer is deemed:

- Likely to cause harm to the public
- To be restricting or endangering the use of a road by the public or interfering with public convenience
- To interfere unreasonably with the comfort or repose of a person who is outside the premises from which the noise is being emitted
- To be using offensive language.

LEGISLATION

- Roads Act 1993
- Roads Regulation 2008
- Summary Offences Act 1988
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (Noise Control) Regulation 2008
- Local Government Act 1993

CONTACT

If you require further information, please contact:

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