Street Performance Operational Guidelines and Code of Conduct

STANDARD APPROVAL

Artists who **do not** hold their own personal public liability insurance and/or **do not** wish to use any dangerous materials or implements in their performance and only intend to use Council designated performance sites.

CONTENTS

1. Purpose of Guidelines 3
2. Scope 3
3. Definitions 3
4. Operational guidelines 4
   - 4.1 Application Process 4
   - 4.2 Under age acts 4
   - 4.3 Approval application fees 5
   - 4.4 Public Liability Insurance 5
   - 4.5 Performance locations 5
   - 4.6 Performance times 5
   - 4.7 Performances 5
   - 4.8 Withdraw, amend or cancel 5
   - 4.9 Location unavailable 6
   - 4.10 Council contact details 6
5. Street Performance Code of Conduct 6
6. Reporting of Incidents 7

Appendix A – List of Approved Performance Locations 8

Appendix B – Artist Hazard/Incident Report Form 9

1. Purpose of Guidelines

The purpose of these guidelines is to:

- Support and value the contribution street performance brings to the social and cultural life of our community.
- Provide an open and transparent administrative set of guidelines that articulates the processes, function and responsibilities in the management of street performance.
- Identify suitable types of and locations for street performance.
- Inform artists and the community of their rights and obligations regarding street performance.

2. Scope

Street performance in the Fraser Coast Regional Council area is regulated by Local Law No. 1 (Administration).

The Street Performance Code of Conduct (Section 5) provides information about acceptable behaviours when performing in the Fraser Coast.

Complying with the Street Performance Code of Conduct will ensure that artists adhere to all appropriate Local Laws and Regulations.

Penalties apply for non-compliance with Council's Local Laws and Street Performance Code of Conduct.

3. Definitions

Council means the Fraser Coast Regional Council.

Artist is a person who practices performing arts such as a circus performer, actor, musician and dancer or demonstrates creative arts such as a painter, sculptor, or writer.

Street Performance is the practice of presenting live performances in public places to entertain people. Artists usually collect voluntary donations from the audience.

Street Performance is not a person who sells, offers or exposes for sale any article or commodity, or performs on behalf of any political or religious organisation.

Street Art is the practice of developing formal art techniques, e.g, sculpting, drawing, stencilling and painting in public places.

Often the artist will charge a set fee in exchange for the product, in this instance; the artists must obtain a council approval to operate a commercial business in public open space.

Pavement Art is chalk drawings rendered directly onto the pavement, or renderings done in other materials on removable surfaces, such as canvas or plastic, laid out on the pavement. Artists usually collect donations from their casual audience.

Dangerous Materials and Implements are materials and implements that pose a risk or hazard for the audience or performer.

Dangerous materials include but are not limited to flammable materials and chemicals, fire, fireworks, smoke, flares, heated elements or anything giving off a level of heat or toxicity.

Dangerous implements include but are not limited to knives, spears, swords, spikes and sharp implements of any kind that pose a hazard to the public.

Circle Act is entertainment offered to the public in a fashion where the audience assembles around the artist in a circle for the duration of a structured show.

Walk-by Act is entertainment offered to the public in a fashion where the performer is in one place entertaining an audience who is walking by.

Roving Act is entertainment offered to the public in a fashion where the artist is roaming or wandering through a particular area.

Standard Approval applies to artists who **do not** use any dangerous materials or implements in their performance and only intend to use Council designated performance sites.

Special Approval applies to artists who hold personal public liability insurance ($20m) and/or have any high-risk element in their show and/or intend to use performance sites other than those designated by Council.

4. Operational guidelines

4.1 Application Process

All street performance artists operating within the Fraser Coast Region must hold a current approval issued by the Fraser Coast Regional Council.

Each applicant **must** submit the following for a Standard Approval:

- A completed application form; and
- Copy of current photographic identification (drivers licence, passport, student ID etc); and
- Payment of the applicable non-refundable application fee.

The above information can be submitted by:

- Post - Chief Executive Officer, Fraser Coast Regional Council, PO Box 1943, Hervey Bay QLD 4655; or
- Email - enquiry@frasercoast.qld.gov.au; or
- Visit one of Council's Customer Service Centres at
    - Maryborough – 211-213 Adelaide Street, Maryborough
    - Hervey Bay – 23 Main Street, Pialba
    - Tiaro – Forgan Terrace, Tiaro

Note: *Should applicants wish to use their own public liability insurance and/or have any high-risk element in their show and/or intend to use performance sites other than those designated by Council, they must apply for a special approval. Refer to Street Performance Operational Guidelines and Code of Conduct – Special Approval for further details.*

4.2 Underage acts

Fraser Coast Regional Council provides no supervision of artists under the age of 18 years.

The parent/guardian of any applicant under the age of 18 must ensure compliance with the conditions of the Street Performance Code of Conduct (Section 5).

If the applicant is under 18 years of age:

- The application form must be signed by the applicant and their parent/guardian.
- The approval will be issued in the parent/guardian's name, with the artists name on the approval.

Additionally, if the applicant is less than 16 years of age, Council requires the parent/guardian to provide supervision during the street performance.

4.3 Approval application fees

Please refer to current fees and charges schedule. Please note that this fee is non-refundable. Approval, if granted, will be valid until the next 30th of June in accordance with Council's Local Laws.

4.4 Public Liability Insurance

Council has obtained public liability insurance cover for uninsured artists to a limit of $10 million for approved approval holders at specified locations and times, as set out in *Appendix A.*

Council's insurance policy is for the approval holding uninsured artists performing within the Street Performance Operational Guidelines and is for liability claims from third parties only. It should be noted that this cover does not extend to high-risk activities including, but not limited to, any acts involving any types of knives, swords, spears, fire, bicycles and/or animals etc. The definition of busking is clearly defined in policies available and anyone considered to be a stall holder or vendor will not be included in any cover e.g. tarot card readers, fortune tellers, palm readers, balloon sculptors, aerosol artists, face painters, masseurs etc.

4.5 Performance locations

Council has identified walk-by, roving and circle locations and these may change from time to time. Varying conditions and times regulating these performance locations are identified in *Appendix A.*

The requirements of the community and precinct will determine the suitability of current locations and/or determine the need to produce additional locations. Regularly check Council's website for updates in the Street Performance section.

4.6 Performance times

There are no artist rosters for performance locations. The first person arriving at the location is entitled to perform there.

- Street performers that play music and/or sing must have a 20 minute interval each hour.
- If another artist is waiting to perform at the same location, the performance must conclude after 45 minutes, to allow the waiting artist to perform at the location as well for the same time period.
- If no other artist is waiting to perform, the artist may perform two more 40 minute performances.
- Artists are only permitted to perform for a maximum of 120 minutes at one site with two, 20 minute intervals.

Artists are required to rotate locations to encourage diversity.

4.7 Performances

Council will not issue an approval for acts that contain nudity or offensive, derogatory, sexual, racist or generally discriminatory material or inference.

Street performance will be primarily of a performing arts nature.

Artists are prohibited from using animals, dangerous materials or implements unless Council has issued a special approval to do so.

4.8 Withdraw, amend or cancel

If the approval holder fails to comply with the terms of the approval, Operational Guidelines, Street Performance Code of Conduct (Section 5) or Council Local Laws, Council reserves the right to withdraw, amend or cancel a street performance approval.

4.9 Location unavailable

A designated performance location may be unavailable due to, but not limited to:

- Landscaping or other works in the area;
- A special event which is approved by Council, taking place at or around the location;
- Complaints that are being investigated;
- Health, safety or amenity concerns;
- Site has been withdrawn due to unsuitability.

Regularly check Council's website for updates on site availability.

4.10 Council contact details

For further information

- contact Council on 1300 79 49 29;
- view Council's Website www.frasercoast.qld.gov.au; or
- email enquiry@frasercoast.qld.gov.au; or
- visit Council's Customer Service Centres
    - Maryborough – 211-213 Adelaide Street, Maryborough
    - Hervey Bay – 23 Main Street, Pialba
    - Tiaro – Forgan Terrace, Tiaro

5. Street Performance Code of Conduct

The Street Performance Code of Conduct provides information about acceptable behaviours when performing in the Fraser Coast region. Complying with the Street Performance Code of Conduct will ensure the applicant adheres to all appropriate Local Laws and regulations.

The approval holder will-

1. Read and comply with all the conditions of the street performance approval and any other legislative requirements;
2. Only commence street performance after a valid approval is obtained from Council;
3. Only perform in areas permitted by Council;
4. Only perform within the allocated hours and length of time allowed;
5. Display their "Street Performance Approval" in a prominent, highly visible position so it can be seen at all times during their performance;
6. Introduce themselves to proprietors adjacent to the performance site before commencing their street performance;
7. Perform in a safe way. In particular, they must not endanger themselves, the community, or any property in the area including private vehicles, street furniture etc;
8. Comply with directions given by Council authorised persons, members of the Queensland Police Service, Ambulance, Queensland Fire and Rescue, Emergency Services, or other approved agency;
9. Accept voluntary donations from the audience, but may not unduly harass or intimidate spectators and passers by overt solicitation or touting for contributions;
10. Provide a donation collection container that is not too large, or placed so it interrupts or obstructs general passage through the area;
11. Reinstate the site to its original condition. This includes removing all material etc. that may have been used during the performance;
12. Ask the audience if necessary, to move aside so pedestrians, vehicles etc can pass freely; and
13. Allow a minimum distance of 30 metres between street performers.
14. Have adult supervision if under 16 years of age.

The approval holder shall not -

15. Interfere with pedestrian flow. A minimum 2.4 metre pedestrian corridor must be maintained. A performer must take into consideration other obstructions on the footpath (e.g outdoor dining areas, public seats, power poles) so that a continuous corridor is maintained at all times;
16. Perform within a 10 metre radius to the entrance of an arcade;
17. Interfere with public amenities or cause obstruction to a trader's entry/exit points or delivery and emergency vehicle access;
18. Perform within a 4 metre radius of an Automatic Teller Machine (ATM);
19. Cause a nuisance to the proprietors of business premises or occupiers of any residence located in close proximity to the street performance activity;
20. Perform longer than 120 minutes (three x 40 minute sets with two x 20 minute intervals) in any one location during a 24 hour period;
21. Charge a specific fee for the performance;
22. Perform within 10 metres of an intersection or pedestrian crossing unless the site has been authorised and listed in *Appendix A* as an *approved performance location*;
23. Use any street furniture for the purpose of the performance (street furniture must be left for public use), unless the street furniture is a fixture of an authorised street performance location listed in *Appendix A* as an *approved performance location;*
24. Leave equipment in a position that may create a hazard to the public community, traffic or businesses;
25. Use any amplification equipment or cause any unreasonable noise. If it can be clearly heard from the other side of a main street – it is too loud. Battery operated amplification may be considered if deemed essential to your performance;
26. Use flammable liquids or lit torches, knives, swords, chainsaws or any other dangerous instruments, unless a full safety audit and special approval has been issued;
27. Involve animals, reptiles or birds in performances unless special approval has been given by Council;
28. Allow pedestrians or audience members to become a part of or participate in the performance unless the artist holds their own public liability insurance;
29. Use abusive, offensive or indecent language, mimic or behave in an indecent manner which may offend, discriminate against or upset any member of the public;
30. Use stand-alone signage or advertising for the act. Signage and advertising to denote the act will however be allowed on the clothing and equipment used by the performer;
31. Advertise any product, service or sponsorship;
32. Sell or offer products for sale, unless the artist has obtained an approval to operate a commercial business on public open space;
33. Interfere in any way with another approved entertainment or activity;
34. Consume, have visible or be in possession of any alcoholic beverages, drugs or other prohibited substances during the conduct of a street performance activity;
35. Drive vehicles on any footway;
36. Leave any foreign materials behind at the end of their performance.

6. Reporting of Incidents

When a hazard is identified at the permitted location, property is damaged, or a person is injured because of busking activities, street artists will be required to complete the *Artist Hazard/Incident Report Form* in *Appendix B*.

This form when completed is to be submitted to Council immediately.

Appendix A – List of Approved Performance Locations

AREA	LOCATION	DAYS	TIMES
City Hall Green	Maryborough	Every day except Thursday market day*	9am to 5pm
Corner Bazaar and Kent Streets	Maryborough	7 days	9am to 5 pm
Corner Richmond and Kent Streets (near Mary Poppins Statue)	Maryborough	7 Days	9am to 5 pm
Customs Residence courtyard	Maryborough	**By negotiation** Contact Council on 1300 79 49 29 at least 48 hours before each planned performance to seek approval for desired day/time	
Gatakers Artspace courtyard	Maryborough	**By negotiation** Contact Council on 1300 79 49 29 at least 48 hours before each planned performance to seek approval for desired day/time	
Queens Park and Parklands	Maryborough	7 days excluding the last Sunday of every month (Sunday in the Park)*	9am to 5pm
"The Hub" on Kent (between Adelaide & Bazaar Streets)	Maryborough	7 days	9am to 5 pm
Cultural Centre forecourt (near Whale Statue)	Pialba, Hervey Bay	7 days	By negotiation
Scarness Park – between the Jetty and Caravan Park	Scarness, Hervey Bay	7 days (approved Sundays in the Park event held by Hervey Bay Arts Council on various weeks – artists should give consideration to this when operating in this area)	9am to 5pm
Scarness Precinct (as defined on maps)	Scarness, Hervey Bay	7 days	9am to 5pm
Bill Fraser Park	Torquay, Hervey Bay	7 days	9am to 5pm
Ernie Organ Park	Torquay, Hervey Bay	7 days	9am to 5pm
Torquay Paved Area outside Aquavue	Torquay, Hervey Bay	7 days excluding the second, fourth, and fifth Saturday of the month (Torquay Markets)	9am to 5pm
Torquay Precinct (as defined on maps)	Torquay, Hervey Bay	7 days	9am to 5pm
Pier Park	Urangan, Hervey Bay	7 days excluding the first and third Saturday of each month. (Pier Park Markets)*	9am to 5pm
Urangan Precinct (as defined on maps)	Urangan, Hervey Bay	7 Days	9am to 5pm
Mayne Street (as defined on maps)	Tiaro	7 Days	9am to 5pm
Tiaro Memorial Park	Mayne Street, Tiaro	7 Days	9am to 5pm
Tom and Minnie Park	Howard	7 days excluding the first Saturday of each month. (Howard Markets)*	9am to 5pm
William Street (as defined on maps)	Howard	7 Days	9am to 5pm

**** Please contact the Market operators should you wish to perform on nominated Market days.***

To view maps of the approved performance locations, please visit www.frasercoast.qld.gov.au/street-performance. Areas are not available during regional and community events and private bookings, and may require confirmation of availability prior to performance.

Appendix B – Artist Hazard/Incident Report Form

Artist Hazard/Incident Report Form

IMPORTANT NOTICE
All artists will be required to complete this form where a hazard is identified at their permitted location, property is damaged, or a person is injured.

All incidents are to be reported to Council and completed forms sent to Fraser Coast Regional Council, PO Box 1943 Hervey Bay QLD 4655.

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1. Artist/s Details

Completed By			
Approval Number			
Approval Location			
Signed		Dated	

2. Hazard/Incident Details

Report Type	☐ Hazard Report	☐ Incident Report (Damaged Property/Personal Injury)	
Date of Incident/Hazard		Time of Incident	
Specific location of Incident/Hazard			
Description of Occurrence (What happened)			

3. Injury/Damage/Details

Type of Incident	☐ Hazard	☐Damaged Property	☐ Personal Injury
If Personal Injury, please specify age/date of birth*: ***(*Extremely important)***			
Specific Description of Incident			
Name and address of person/s			

4. Other required Information

Weather (tick appropriate)	☐ Wet ☐ Overcast	☐ Dry ☐ Other	☐ Sunny
(If other please specify)			
Lighting (tick appropriate)	☐ No lighting	☐Artificial Lighting	☐ Lighting, but not working
Location (tick appropriate)	☐ Footpath ☐ Building	☐ Road	☐ Reserve/Park
Cause (tick appropriate)	☐ Footpath ☐ Tree	☐ Uneven ground ☐Other	☐ Hole
(if other please specify)			
Any contributing factors (tick appropriate)	☐Spillage ☐ Other	☐ Vandalism	☐ Weather
(*If other please specify)*			
General Comments (e.g reported to police, witness details)			

IMPORTANT NOTICE

Any personal information provided on this form will be used for the purpose of street performance hazard/incident reporting and to ensure we are able to remain in contact with you. Council is authorised to collect this information in accordance with the Local Government Act 2009 and other Local Government Acts. Your personal information will be accessed by persons who have been authorised to do so. Your personal information is dealt with in accordance with Council's Privacy Policy available on our website www.frasercoast.qld.gov.au

5. Office Use Only

Completed by			
Artist details validated	Name:	Approval Number:	Location:
Raise customer request	*Customer Request Number:*		
Forward to Risk Management	*Attach copies of all relevant and associated details so insurers can be notified accordingly*		
Signed		Dated	