

# **Subordinate Local Law No. 11.4**

## **(Busking) 2014**

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*Subordinate Local Law No. 11.4 (Busking) 2014*  
made in accordance with the provisions of the *Local Government Act 2009*  
by the Council of the City of Gold Coast by resolution dated 4 April 2014

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# Council of the City of Gold Coast Subordinate Local Law No. 11.4 (Busking) 2014

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## **Council of the City of Gold Coast Subordinate Local Law No. 11.4 (Busking) 2014**

### **Part 1 Preliminary**

#### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 11.4 (Busking) 2014*.

#### **2 Authorising local law**

This subordinate local law is made pursuant to *Local Law No. 11 (Roads and Malls) 2008*.

#### **3 Object**

The object of this subordinate local law is to assist in the implementation of *Local Law No. 11 (Roads and Malls) 2008* by—

- (a) providing the framework for managing busking on roads and malls;
- (b) providing an equitable system for busking on roads and malls;
- (c) identifying suitable busking sites on roads and malls;
- (d) preventing unreasonable impacts upon the amenity, enjoyment and use of a public place; and
- (e) preventing a nuisance, hazard, inconvenience or annoyance to a person in a public place.

#### **4 Definitions—the dictionary**

The dictionary in the Schedule (Dictionary) of this subordinate local law defines particular words used in this subordinate local law.

### **Part 2 Busking permits**

#### **5 Application for a permit**

- (1) The application for a busking permit involves two stages—
  - (a) written application stage; and
  - (b) audition stage.
- (2) For the purposes of section 12(1)(c)(iv) of *Local Law No. 11 (Roads and Malls) 2008*, an application for a permit for the operation of a prescribed activity being

busking must for the written application stage, unless otherwise required by the local government be accompanied by—

- (a) the name, street address, telephone number, facsimile number and email address of the person to be operating the prescribed activity; and
  - (b) a CD or DVD which demonstrates the proposed busking performance to be conducted; and
  - (c) details of all public liability insurance held by the person to be operating the prescribed activity; and
  - (d) the signed written consent of a parent or legal guardian for buskers under the age of 18.
- (3) The applicant will be advised in writing whether the written application has been successful.
  - (4) If the applicant's written application is successful the applicant will then progress to the audition stage.
  - (5) For the purposes of section 12(1)(c)(iv) of *Local Law No. 11 (Roads and Malls) 2008*, an application for a permit for the operation of a prescribed activity being busking must for the audition stage, unless otherwise required by the local government be accompanied by photographic proof of identity of the applicant.

## **6 Grant of a permit**

- (1) For the purposes of section 13(1)(g) of *Local Law No. 11 (Roads and Malls) 2008*, the local government is to in assessing an application for the grant of a permit for the operation of a prescribed activity being busking, have regard to the following assessment criteria—
  - (a) the results of the audition stage conducted by the appropriate mall manager<sup>1</sup>; and
  - (b) the assessment of the appropriate mall manager as to whether the applicant's proposed busking performance is of a suitable standard and appropriate nature; and
  - (c) whether the matters the subject of the conditions specified in section 7 (Conditions of a permit) of this subordinate local law which are relevant to the operation of the busking can be adequately addressed by the imposition of those conditions; and
  - (d) whether the operation of the prescribed activity will—
    - (i) unduly obstruct pedestrian or vehicular traffic; or

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<sup>1</sup> Currently Surfers Paradise Alliance or Broadbeach Alliance

- (ii) prejudice the safety of pedestrian or vehicular traffic; or
- (iii) prejudice the maintenance of a road; or
- (iv) result in a loss of amenity or nuisance.

## **7 Conditions of a permit**

For the purposes of section 15(3) of *Local Law No. 11 (Roads and Malls) 2008*, the local government may impose all or any of the following conditions on a permit for the operation of a prescribed activity being busking<sup>2</sup>—

- (a) The permit number issued by the local government, and the local government issuing the permit must be prominently displayed so as to enable it to be viewed by members of the public.
- (b) The identification card issued with the busking permit must be prominently displayed during busking performances.
- (c) Amplification devices must not be used in conjunction with busking performances unless the use of amplification devices has been previously approved by the local government.
- (d) The busking must comply with all relevant laws including the *Environment Protection (Noise) Policy 2008*.
- (e) The noise levels from the busking performance must not in the authorised officer's opinion unreasonably intrude into nearby shops or interrupt trade of local businesses.
- (f) Busking performances may only be conducted at designated busking sites.
- (g) Busking performances must not be conducted at or obstruct shopping centre, business or shop doorways, dining areas and emergency exits.
- (h) Busking performances must not be conducted within 10 metres of an intersection or pedestrian crossing.
- (i) Busking performances must not unreasonably interfere with pedestrian flow or public amenities, or cause an obstruction to delivery vehicles.
- (j) Busking performers must not film, photograph or record any member of the public during the busking performance.

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<sup>2</sup> This section prescribes, for the purposes of section 15(3) of *Local Law No. 11 (Roads and Malls) 2008*, the conditions that will ordinarily be imposed on a permit. However, the local government may, pursuant to section 15(1) of *Local Law No. 11 (Roads and Malls) 2008*, grant a permit on any conditions the local government considers appropriate.

- (k) Equipment used in a busking performance must not be left in a position that may create a hazard to the public.
- (l) Busking performers must leave designated busking sites in a neat and tidy condition at all times.
- (m) The actions of the busking performer and their assistants must not result in a loss of amenity or result in a nuisance.
- (n) Busking performers must not actively solicit money from any person<sup>3</sup>.
- (o) Busking performers must obey a lawful direction from an authorised person or emergency services personnel.
- (p) The distribution of business advertising publications or touting is not permitted.
- (q) Signs must not be displayed in conjunction with a busking performance.
- (r) Goods or services must not be offered for sale, displayed, demonstrated or advertised in conjunction with a busking performance.
- (s) Street furniture must not be used in busking performances.
- (t) Busking performers must be clean and presentable.
- (u) The duration of busking performances are subject to the following conditions—
  - (i) the duration of performances must not exceed 45 minutes per set;
  - (ii) there must be a 15 minute interval between sets;
  - (iii) busking performers must not exceed 1.75 hours at any one location;
  - (iv) upon completion of the 1.75 hour session, busking performers must allow a minimum of three hours before returning to the same location; and
  - (v) busking performers must not perform in the same location for more than two sessions per day (ie two 1.75 hour sessions).
- (v) Busking performers must rotate between designated busking sites.

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<sup>3</sup> For the avoidance of doubt, a busking performer can receive voluntary monetary appreciation for their busking performance.

- (w) Dangerous goods and dangerous instruments must not be used in conjunction with any busking performance.
- (x) Animals, reptiles or birds must not be used in conjunction with any busking performance unless otherwise approved by the local government.
- (y) Busking performers must not mimic, upset or offend any member of the public.
- (z) Busking performers must not use abusive, offensive or indecent language or behave in an indecent or abusive manner.
- (aa) Busking performances may only be conducted between 10.00am and 10.00pm.
- (ab) Busking performers under the age of 14 must be supervised by an adult at all times.
- (ac) Busking performers aged 15-17 years must be supervised by an adult between 6.00pm and 10.00pm.
- (ad) Adults supervising busking performers under subsection (ab) and (ac) must have a clear and unimpeded view and access to the busking performance.
- (ae) Busking performers must not consume alcohol during the busking performance.
- (af) The number of busking performers in an area may be restricted during special events or public holidays.

Example of subsection (af) —

Schoolies, Christmas eve, New Year's Eve or Anzac Day.

## **Part 3                      Enforcement**

### **8                      Directions of an authorised person**

For the purposes of section 31(1) of Local Law No. 3 (Administration) 2008, an authorised person may direct a busking performer to cease a busking performance or relocate to another designated busking site, if the authorised person is of the opinion that the busking performance—

- (a) is loud or intrusive; or
- (b) is excessively repetitive; or
- (c) is causing public inconvenience; or
- (d) is likely to cause harm to the public or property; or

- (e) causes, or is likely to cause, a nuisance or a loss of amenity.



## **Schedule 1      Designated busking sites**

### **Part 1            Surfers Paradise**

Designated busking sites are identified by brass busking site markers which are located throughout Cavill Mall and Surfers Paradise precinct.

### **Part 2            Broadbeach**

Designated busking sites are identified by brass busking site markers which are located throughout Broadbeach Mall and Broadbeach precinct.

### **Part 3            Other areas**

The local government may designate other busking sites from time to time throughout the local government's local government area.

## Schedule 2      Dictionary

section 4

***busking performance*** means a public performance at a designated busking site for voluntary donations from the public including—

- (a) playing musical instruments; or
- (b) drama or theatrical performance; or
- (c) dancing; or
- (d) singing; or
- (e) circus performing; or
- (f) acts of a similar nature but not including—
  - (i) pavement or chalk art; or
  - (ii) tarot card reading, palm reading or fortune telling; or
  - (iii) massage therapy; or
  - (iv) art created by spray paint; or
  - (v) the sale of any goods including flashing light toys, fluffy toys and jewellery.

***busking performer*** means a person who has been issued a permit to conduct a busking performance pursuant to section 13 (Grant of a permit) of *Local Law No. 11 (Roads and Malls) 2008* or amended or renewed pursuant to section 17 (Amendment or renewal of a permit) of *Local Law No. 11 (Roads and Malls) 2008* which—

- (a) has not expired pursuant to section 14(2) of *Local Law No. 11 (Roads and Malls) 2008*; and
- (b) has not been cancelled pursuant to section 18 (Cancellation of a permit) of *Local Law No. 11 (Roads and Malls) 2008*.

***dangerous goods*** means materials and implements that pose a risk, hazard or uncertain outcomes for people, including but not limited to—

- (a) flammable materials; or
- (b) chemicals; or

- (c) fire; or
- (d) lit torches; or
- (e) fireworks; or
- (f) smoke; or
- (g) flares; or
- (h) heated elements; or
- (i) anything that gives a level of heat or toxicity which poses a threat of harm or damage to members of the public and public property.

***dangerous instruments*** means materials and implements that pose a risk, hazard or safety issue for people, including but not limited to—

- (a) firearms; or
- (b) knives; or
- (c) spears; or
- (d) swords; or
- (e) spikes; or
- (f) chainsaws; or
- (g) sharp implements of any kind that pose a threat of harm to the general public

***designated busking sites*** means a site specified in schedule 1 (Designated busking sites) which is marked with a brass disc on the pavement.