

## Busking Code of Conduct

### Information for Buskers

PMNSW and CBRE recognise that Sydney has a strong tradition of busking and that buskers contribute to a sense of place in the public domain. We aim to encourage activity that contributes colour and life within its precincts while attempting to work with buskers in order to minimise complaints, criticism and other problems associated with buskers operating in the public domain, while supporting the rights of individuals to express themselves.

As landowner, we are responsible for all aspects of busking in our precincts. A busking policy provides a framework to enable busking activities to be undertaken within the precinct in a manner that realises the benefits of busking in the public domain, while regulating the conduct of busking in order to address stakeholder concerns.

As a busking permit holder, you are obligated to abide by the Sydney Harbour Foreshore Authority Busking Policy 2012.

As part of your application process you have acknowledged in your application that you have read and understood the policy and will work within those terms and conditions.

### Busking categories

There are five different categories of busking activity permitted at defined pitches across the precinct

#### Circle Acts

Defined as structured performances requiring the audience to stop and watch or participate in the performance. Approximate duration will be 20-40 minutes. Buskers with Special Busking permits can only perform on these pitches.

Circle Act pitches are suitable for Special Busking Permit holders where the performance may involve the use of dangerous material and/or implements.

#### Walk by Acts (WBA)

Spontaneous performances where the audience is not required to stop and watch. It should be noted that some of these pitches do not permit the use of amplification.

#### Site with no amplification (SNA)

Generally, a single person act for narrow or congested pedestrian traffic areas where a pitch is deemed to have a significant environmental impact. Notwithstanding, all pitches can be utilised with no amplification.

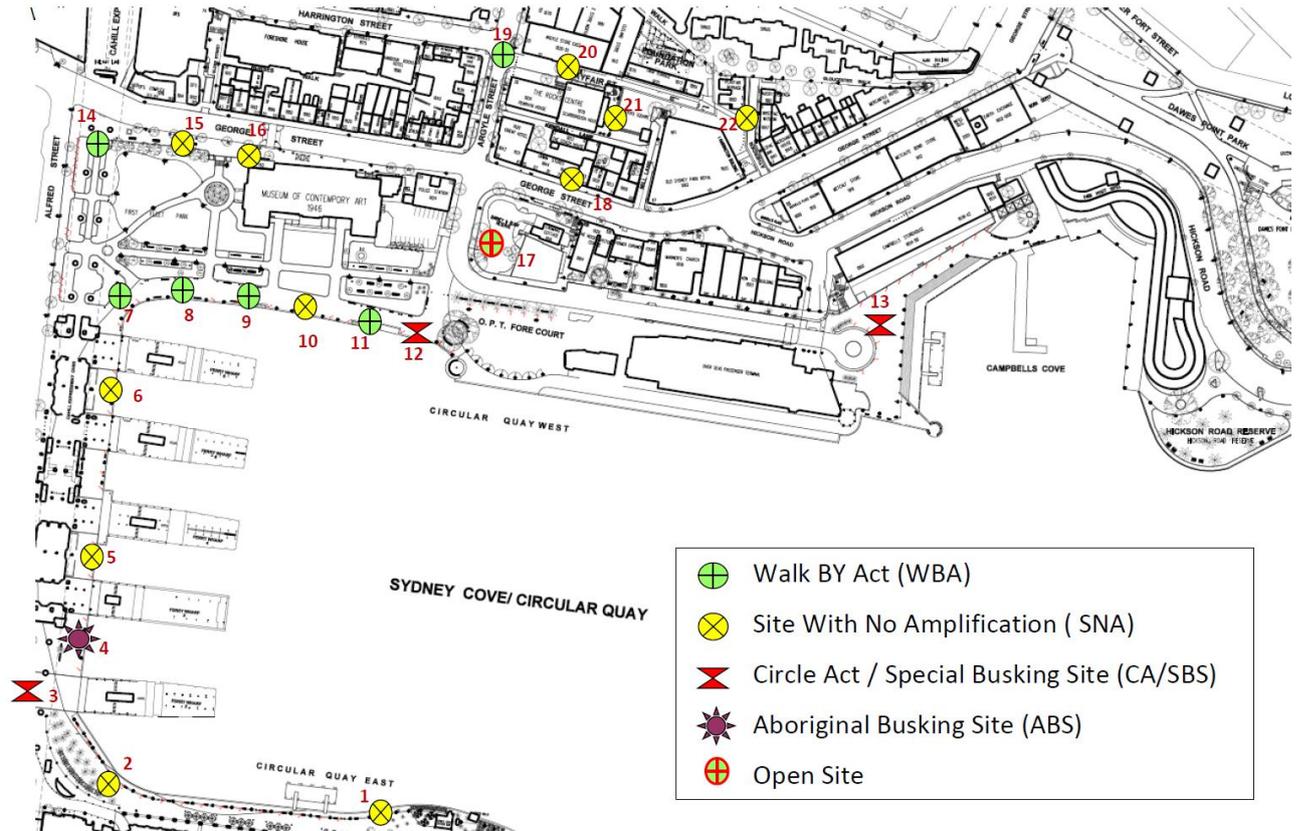
#### Musical Busking Site (MBS)

Musical performances with no mains power amplification at Darling Harbour

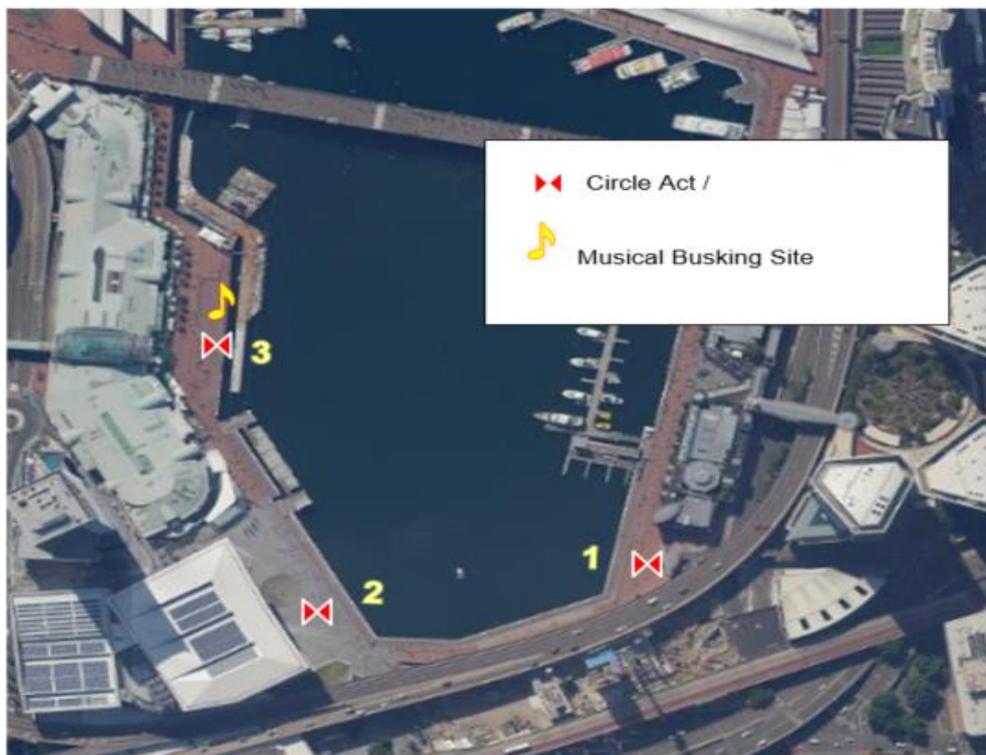
#### Aboriginal Busking Site (ABS)

For use by accredited Aboriginal buskers only

### Circular Quay and the Rocks Busking Pitch Map



### Darling Harbour Busking Pitch Map



### General Information

#### There is a two-hour limit on every busking pitch

PMNSW/ CBRE encourages buskers to consider their operating environment and the impact each busking activity has on its immediate surrounds. In order to promote a variety of artistic expression as well as avoid repetitive activity, PMNSW/ CBRE imposes a two-hour period on all busking pitches. Special Busking Sites with Grade Acts are limited to 45-minute performances without repetition.

#### When can I busk?

Buskers are permitted to operate in areas covered by the policy between of 8am and 9pm in Circular Quay, excluding CQ3 and CQ4 which operate from 10am to 9pm and at Darling Harbour from 9am to 11pm. PMNSW/ CBRE imposes a two-hour period on all busking pitches. Special events have different restrictions

#### Can a busker book or reserve a busking pitch?

Pitches are not allowed to be booked or reserved. If buskers are prepared to do so, they are permitted to wait at an occupied pitch until the current busker's two hours expire, at which time there should be a changeover of performer.

To perform at the Aboriginal Busking Site, performers must hold a busking permit and be able to be identified as Aboriginal with accreditation from Metropolitan Local Aboriginal Land Council. Performing at The Rocks Market and special events is by invitation only and will only be offered to current permit holders.

#### Can buskers sell CDs and display signage?

Buskers can only sell digital recordings of their own performance and music and advertise the sale of their CDs and DVDs by way of an A4 sign. The sale of other items or other performers recordings is prohibited. When buskers accept the terms and conditions of the busking policy, they also accept these terms and conditions.

#### Cancellation of Standard and Special Busking permits

Upon notification of breaches of this policy or the regulation, may serve a Show Cause Notice upon the person or persons holding a busking permit. Such notice will provide details of the substance of the breach and request the permit holder to respond in writing within 14 days to show cause as to why the permit should not be revoked, suspended or conditions imposed.

Following the Show Cause procedure, in instances where PMNSW/ CBRE determines a Busking Permit shall be revoked, suspended or conditions imposed, the permit holder will be notified and has the right to seek an interview with the decision maker to put further submissions, following which the final determination will be made.

#### Requests to Cease Busking

Authorised PMNSW/ CBRE officers may at any time request a busker to cease busking if the officer is of the opinion that the performance is intrusive, excessively repetitive, is causing public inconvenience, or is likely to cause harm to the public or property. The busker must immediately comply with such a request.

#### Injury and Damage

PMNSW/ CBRE will not be responsible for any injury or damage to the busker and their property or to any member of the public arising from the busker's performance.

### Conduct and Standard Busking Conditions

- Buskers must display their busking permit in a prominent, highly visible position in the busking pitch at all times during the performance.
- No child under the age of 14 years can be left to perform alone and must be in the company of an adult. All applications under 18 years need parental consent by filling out the Parental Consent Form
- Circular Quay- Buskers may operate in areas covered by this policy between the hours of 8am and 9pm in Circular Quay. The following restrictions apply: Busking pitches CQ1, 2, 5, and 6 are not permitted to operate between the hours of 12:00pm and 2:00pm to allow for quiet enjoyment during lunchtime trade.
- Darling Harbour- Buskers may operate in the approved Darling Harbour busking pitches between the hours of 9am and 11pm.
- The Rocks- Performing at Rocks Market and special events is by invitation only and will only be offered to current permit holders.
- The Goods Line- Buskers may operate in the approved Goods Line busking pitches between the hours of 8am and 9pm, excluding the lunch period between 12:00pm and 2:00pm
- Events- Throughout the year, PMNSW hosts major events and numerous community events during which, the busking pitches may not be available for use.
- Any busking pitch may be closed, repositioned or have hours of operation shortened or extended for any event or activity as directed by PMNSW. Busking pitch closures or extensions will be notified by email to buskers where possible, however short notice closure or extension may be necessary from
- A two-hour period on all busking pitches in Circular Quay, The Goods Line and the Darling Harbour Harbourside Amphitheatre Musical Busking pitch. A maximum limit of 45 minutes for all circle acts in Circular Quay and Darling Harbour
- Buskers must not unreasonably interfere or impede with pedestrian flow or public amenity or cause obstruction to traders or delivery vehicles, including encouraging audience formation in such a manner as to cause interference.
- Costume, appearance and presentation must be acceptable as determined by PMNSW.
- Buskers must not perform any act that could reasonably be considered a public nuisance (such as the use of excessive noise, offensive language or anti-social behaviour). Buskers should not direct comments to people passing by, or people trying to move around or through the performance area. The use of political, religious, racial, sexually explicit or homophobic material that may be deemed by a reasonable person to be offensive or discriminatory is strictly prohibited and may additionally constitute a contravention of the *Anti-Discrimination Act 1977* (NSW).
- Buskers may receive a monetary appreciation from the audience for their performance but may not solicit funds in a way that is likely to cause any discomfort to any individual, nor is the monetary amount of a gratuity to be suggested.
- Buskers must ensure that the busking pitch is clean and free of rubbish while they are working and ensure that their use of the site does not pose a risk to public safety or the amenity of the public area. Buskers are to ensure that at the completion of their performance, the area is restored to its original condition. Buskers are not permitted to attach any cables, wires, ropes, paint or other materials to any railing, light pole, seat or other permanent fixture.
- Buskers must indemnify Place Management NSW against any expense, loss or liability incurred by CBRE/ PMNSW as a result of any act or omission by the Busker that result in personal injury or to the death of any person, or the loss of or damage to any property, occurring in connection with the Busker's performance.
- The sound levels from a busking performance shall at no time disrupt business trading including retail or dining establishments, affect workplace performance or detract from residential or public amenity.
  - Levels measured for one minute at three metres - 82dBA L10
  - Levels measured for one minute at six meters - 76dBA L10

- At Circular Quay, buskers may only use amplification for Walk By, Circle Acts and also at the Aboriginal Performance Site. There is to be no amplification on non-amplification pitches along Circular Quay south, as indicated on the busking locations map
- At Darling Harbour and Circular Quay, amplification may only be battery operated; any connection to a mains voltage electrical supply is prohibited. The use of generators is not permitted. CBRE reserves the right to impose a modified decibel limit on amplified sound in appropriate circumstances.
- Where a complaint has been received about the excessive noise, level of noise amplification, music of a percussive or repetitive nature, or excessive duration of an act, particularly in relation to the proximity of that act to a place of work, or residence, and the complaint is deemed justified, a busker may be directed by authorised officers of PMNSW/ CBRE to cease busking. Pursuant to the *Place Management New South Wales Act 2011*, PMNSW may request persons to leave the area if they are causing annoyance or inconvenience to other persons in a public area.
- Selling digital recordings of the busker's own original recorded music or performance is permitted. Buskers are allowed to display recordings of their CDs/DVD's only with a sign that is laminated and does not exceed A4 in size. The sale of any other merchandise or CDs/DVDs of other performers is not permitted.
- PMNSW will not be responsible for any injury or damage to the busker and their property or to any member of the public arising from the busker's performance.
- Busking must not interfere with or interrupt in any way any PMNSW or other approved activity including, but not limited to:
  - PMNSW events
  - Community or commercial event activities
  - Media activities
  - CBRE or PMNSW works (or other works approved by CBRE and PMNSW)
- A *Special Busking Permit* is required if the performance involves the use of dangerous materials and/or implements. Buskers must complete the CBRE Safety assessment to be issued a Special Permit
- Any busker proposing to incorporate the use of animals in an act must advise PMNSW at the time of making a permit application and must comply with the *Companion Animals Act 1998*.
- No parking provisions for buskers will be authorised in relation to this policy.

CBRE, upon notification of breaches of this Policy or the Regulation, may serve a Show Cause Notice upon the person or persons holding a busking permit. Such Notice will provide details of the substance of the breach and request the permit holder to respond in writing within 14 days to show cause as to why the permit should not be revoked, suspended or conditions imposed.

Following the Show Cause procedure, in instances where CBRE determines a Busking Permit shall be revoked, suspended or conditions imposed, the permit holder will be notified and has the right to seek an interview with the decision maker to put further submissions, following which the final determination will be made.

Thank you for taking the time to read this information. We wish you well with your busking