

# Busking

## What laws apply to busking and how to obtain a busking approval

Council supports vibrant and activated public places in Townsville, but has an obligation to protect the amenity of residents and the interests of commercial operators who are the basis of Townsville's economy. Therefore, while council encourages the activity of busking, the busking must be conducted in a way that does not unreasonably impact upon others.

### What laws exist to regulate busking?

Under council's Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011, it is an offence to conduct busking activities on any road in Townsville unless the busker holds a council approval for that activity.

Under that local law and the related Subordinate Local Law No. 4, 2011:

- » "road" includes car parks, footpaths, bicycle paths and bridges; and
- » "busking" is defined as a musical or theatrical performance undertaken by a person to entertain the public seeking voluntary reward for the performance.

Busking is also subject to a number of state laws dealing with noise, nuisance and dangerous activities. Some of those laws are enforced by council, and others are enforced by the Police Service.

A person wanting to busk on any road under council's control must obtain council approval, and not cause a noise nuisance or endanger any person or thing.

### How do I obtain busking approval?

To make it easier for busking to be carried out, the council has created a Busking Approval form (see below). Simply print and complete the form, and ensure that you comply with the approval conditions when busking.

### What conditions apply to a busking permit?

To ensure that busking does not interfere with the amenity of residents and the interests of commercial operators, the following conditions apply.

- » A copy of the approval must be carried on the person/s at all times, and produced on request to any authorised council officer.
- » Busking must not be carried out on:
  - » Flinders Street between Denham Street and King Street at any time between 3am and 8am; or
  - » any other council-controlled road between 10pm and 8am.
- » The use of drums and/or amplified music is prohibited.
- » The person/s carrying out busking activities must ensure that the busking activities do not cause damage to any council property.
- » The person/s carrying out busking activities must ensure that the busking activities do not unreasonably interfere with residential amenity.
- » The person/s carrying out busking activities must ensure that the busking activities do not unreasonably interfere with the interests of commercial operators in the vicinity of the busking activity.

The person/s must obey and comply with any reasonable direction of the Queensland Police Service.

### More information

For further information please contact the council's customer service centre on 1300 878 001.

# Busking Approval

Print out and complete this form, and keep it with you at all times when busking

This approval is valid for the following person/s to conduct the activity of busking on a Townsville road, which is a restricted activity under section 5(1)(b) of Townsville City Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011.

**Print names of all persons carrying out the busking activity:**

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**Date of approval** (date printed and completed) \_\_\_\_\_

## Withdrawal of approval

This approval continues until it is withdrawn by council. This approval may be withdrawn by council at any time without notice by:

- » the conditions of the approval being changed on council's website; or
- » council placing on its website a notice that all or particular website issued busking permits are withdrawn; or
- » by a direction (including a verbal direction given on the spot) by an authorised person of council.

It is the responsibility of each person relying upon this permit to check council's website to ensure that the permit as printed remains valid.

## Approval conditions

1. A copy of the approval must be carried on the person/s at all times, and produced on request to any authorised council officer.
2. Busking must not be carried out on:
  - » Flinders Street between Denham Street and King Street at any time between 3am and 8am; or
  - » any other council-controlled road between 10pm and 8am.
3. The use of drums and/or amplified music is prohibited.
4. The person/s carrying out busking activities must ensure that the busking activities do not cause damage to any council property.
5. The person/s carrying out busking activities must ensure that the busking activities do not unreasonably interfere with residential amenity.
6. The person/s carrying out busking activities must ensure that the busking activities do not unreasonably interfere with the interests of commercial operators in the vicinity of the busking activity.

**Note:** Council will have regard to the provisions of the *Environmental Protection Act 1994* when assessing whether a busking activity has unreasonably interfered with the amenity or the interests of others, but may find interference even if there has not been a verifiable breach of that law.

**Note:** The person/s must obey and comply with any reasonable direction of the Queensland Police Service.

**It is an offence to contravene any of the approval conditions, with a maximum penalty for each offence of \$630.**