



Street Performance Operational Guidelines and Code of Conduct

SPECIAL APPROVAL

Artists who hold their own 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.

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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:

- 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 for nominated period.

Special approvals have additional requirements and these include:

- Certificate of currency for \$20 million personal public liability insurance (mandatory);
- Appropriate licences and certificates for dangerous materials (if there is a high-risk element in the show);
- Proprietors Consent Form (if intending to use performance sites other than those designated by Council);
- Risk management plan (upon request from Council);
- Attending a safety review (upon request from Council);
- Attending an interview and/or audition (upon request from Council).

The above 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 – 77 Tavistock Street, Torquay
 - Tiaro – Forgan Terrace, Tiaro

4.2 Under age 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 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

If an artist has their own public liability insurance, they may perform at locations other than the Council sites listed in *Appendix A*.

If this is the case, the Artist **must** submit the following with the application before performing:

- certificate of currency of public liability insurance coverage of \$20 million, (Fraser Coast Regional Council must be noted on the insurance policy as an interest party); and
- written permission from properties adjacent to the proposed performance areas stating they have no objection to Council issuing an approval. Please use attached template in *Appendix B*.

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.

Performing at locations other than those specified by Council requires the applicant to have:

- A current Council approval; and
- Proof of personal public liability insurance coverage of \$20 million (Fraser Coast Regional Council must be noted on the insurance policy as an interested party); and
- A site that complies with the provisions contained in the Street Performance Operational Guidelines and the Street Performance Code of Conduct; and
- Written permission from proprietors adjacent to the proposed performance sites stating they have no objection to Council issuing an approval. Please use template *Appendix B*.

Should the proprietor of an adjacent business to any performance location consider some nuisance is being caused and where an artist receives a request from proprietor to quieten, cease or modify their performance in some way, the artist **must** comply with the request.

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 Special approval conditions

4.8.1 Amplification

The use of microphones and amplification for vocal performance is not encouraged. Battery operated amplification of instruments may be considered, if deemed essential to your performance. The use of backing or sync tracks for street performance is not encouraged.

4.8.2 Group acts (up to four artists)

All members of the act must be included on the approval application form and provide photographic ID.

4.8.3 Group acts (over four artists)

Group acts including more than four people must have their own public liability insurance. Suitable locations and times are limited in the interests of public safety and amenity.

4.8.4 Pavement art

Artists who hold their own public liability insurance are eligible to apply. The artist is also required to present a risk assessment and attend a safety review.

4.8.5 Dangerous materials and implements

Artists who hold their own public liability insurance are eligible to apply. The artist is also required to present appropriate licences and certificates, provide a risk assessment and attend a safety/hazards review.

If the visiting artist also intends to use dangerous materials and implements they must present appropriate licences and certificates, provide a risk assessment and safe practices recommendation from another local Council, venue manager or festival organiser and also attend a safety/hazards review.

To avoid delays, visiting artists are advised to organise their approval in advance.

4.9 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.

4.10 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.

4.11 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 – 77 Tavistock Street, Torquay
 - 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. Reinstatement 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;
13. Allow a minimum distance of 30 metres between street performers;
14. Have adult supervision if under 16 years of age.
15. To perform in any locations other than those covered by Council and listed in *Appendix A* as an *approved performance location*, the artist must provide proof of a minimum of \$20 million dollars public liability insurance with Fraser Coast Regional Council noted on the insurance policy as an interested party; and
16. To perform in any locations other than those covered by Council and listed in *Appendix A* as an *approved performance location*, the artist must obtain the permission of the operator of any business which may be affected by the performance and/or any business which is in the immediate vicinity of the performance. The operator of the business must state they have no objection to the street performance. Permission does not have to be sought for locations listed in *Appendix A* as an *approved performance location*.

If using dangerous materials or implements, the approval holder will -

17. Attend a formal hazards review and risk assessment and have their approval amended to reflect this activity;
18. Hold appropriate licenses/certificates e.g pyrotechnics certificate;
19. Ensure extinguishing equipment is on stand-by throughout a fire performance;
20. Define the performance space by establishing a physical boundary of a three metre buffer zone between themselves and the audience using either a rope or chalk line;

21. Limit flammable liquids and fuels to kerosene, firewater or scented lamp oils;
22. Store flammable liquids in plastic containers of no greater than a five-litre capacity;
23. Ensure containers are clearly marked with the words 'HIGHLY FLAMMABLE' in capital letters on both sides of container, Class 3 Flammable liquids, and the name of the liquid in the container, e.g kerosene etc;
24. Ensure drip stains are not left on ground surfaces;
25. Ensure dangerous implements have blunt edges and are rendered non dangerous e.g when pressed onto skin they will not pierce;
26. Cancel a fire display if a total fire ban has been issued by the Fire Authority.

For more information regarding the safety and regulation for dangerous goods and implements, refer to the Dangerous Goods Safety Management Act 2001 and Dangerous Goods Safety Management Regulation 2001.

The approval holder shall NOT -

27. 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;
28. Perform within a 10 metre radius to the entrance of an arcade;
29. Interfere with public amenities or cause obstruction to a trader's entry/exit points or delivery and emergency vehicle access;
30. Perform within a 4 metre radius of an Automatic Teller Machine (ATM);
31. Cause a nuisance to the proprietors of business premises or occupiers of any residence located in close proximity to the street performance activity;
32. 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;
33. Charge a specific fee for the performance;
34. 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*;
35. 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*;
36. Leave equipment in a position that may create a hazard to the public community, traffic or businesses;
37. 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;
38. 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;
39. Involve animals, reptiles or birds in performances unless special approval has been given by Council;
40. Allow pedestrians or audience members to become a part of or participate in the performance unless the artist holds their own public liability insurance;
41. 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;
42. 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;

43. Advertise any product, service or sponsorship;
44. Sell or offer products for sale, unless the artist has obtained an approval to operate a commercial business on public open space;
45. Interfere in any way with another approved entertainment or activity;
46. Consume, have visible or be in possession of any alcoholic beverages, drugs or other prohibited substances during the conduct of a street performance activity;
47. Drive vehicles on any footway;
48. 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 street performance activities, street artists will be required to complete the *Artist Hazard/Incident Report Form Appendix C*.

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 – Proprietors Consent Form

Approval for Site Use – Business/Property Owner
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As the owner of the business and/or property mentioned below I wish to advise I have no objection to the Fraser Coast Regional Council issuing a Street Performers Approval valid until _____ (date) for _____, (artist name) who would like to perform adjacent to my business and/or on my private property during the times indicated in this notice.

Business/Property Owner:

First Name/s	Last Name	Business Name	
Postal Address			
Suburb		State	Post Code
Business Phone	A/H Phone	Mobile Phone	
Email	Website		

Performance Information:

Please indicate the approved days and times below e.g. Saturdays 12.30 – 2.30pm

Days	Times
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	
Sunday	

Business/Property Owners Signature:

Date	Name (Please Print)	Signature

Artist/s Signature:

Date	Name (Please Print)	Signature

IMPORTANT NOTICE

Any personal information provided on this form will be used for the purpose of street performance management 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

Appendix C – 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.

1. Artist/s Details

Completed By			
Approval Number			
Approval Location			
Signed		Dated	

2. Hazard/Incident Details

Report Type	<input type="checkbox"/> Hazard Report	<input type="checkbox"/> 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	<input type="checkbox"/> Hazard	<input type="checkbox"/> Damaged Property	<input type="checkbox"/> 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)	<input type="checkbox"/> Wet	<input type="checkbox"/> Dry	<input type="checkbox"/> Sunny
	<input type="checkbox"/> Overcast	<input type="checkbox"/> Other	
<i>(If other please specify)</i>			
Lighting (tick appropriate)	<input type="checkbox"/> No lighting	<input type="checkbox"/> Artificial Lighting	<input type="checkbox"/> Lighting, but not working
Location (tick appropriate)	<input type="checkbox"/> Footpath <input type="checkbox"/> Building	<input type="checkbox"/> Road	<input type="checkbox"/> Reserve/Park
Cause (tick appropriate)	<input type="checkbox"/> Footpath <input type="checkbox"/> Tree	<input type="checkbox"/> Uneven ground <input type="checkbox"/> Other	<input type="checkbox"/> Hole
<i>(if other please specify)</i>			
Any contributing factors (tick appropriate)	<input type="checkbox"/> Spillage <input type="checkbox"/> Other	<input type="checkbox"/> Vandalism	<input type="checkbox"/> Weather
<i>(If other please specify)</i>			
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	<i>Customer Request Number:</i>		
Forward to Risk Management	<i>Attach copies of all relevant and associated details so insurers can be notified accordingly</i>		
Signed		Dated	