



# City of Fremantle

Risk management guidelines and code of practice for  
busking and street entertainment

# Index

<b>Risk management guidelines</b> .....	<b>3</b>
Objectives .....	3
Principles .....	3
Guidelines.....	4
Types of busking.....	5
Pitches.....	5
Fremantle Markets pitch .....	5
Other pitches such as South Terrace, King’s Square, Cicerellos, High Street Mall .....	6
Restrictions .....	6
Special Notes.....	7
Schedule “A”, Minimum requirements for performers.....	8
Schedule “B”, Comments in relation to specific locations .....	8
<b>Code of practice</b> .....	<b>9</b>
Use of dangerous materials and implements in busking and street entertainment .....	9
Special permits .....	9
Conditions on special permits .....	10
Restrictions for special permits .....	11
Process for obtaining a special permit .....	11
Definitions .....	11
Street entertainment .....	11
High risk performances .....	11
Locations .....	11
Contacts .....	11

# Risk Management Guidelines

## 1 Objectives

These objectives have been compiled with a view to continuing the positive management of Fremantle's popular street performance culture. Countless postcards, tourist brochures, billboards, tourist and photography books feature local and international performers bringing life and money to the port city.

Performers and patrons enjoy a well managed performance system in conjunction with a good working relationship with the Fremantle community and business people.

Street performers in Fremantle can be placed into two categories: circle shows and passer-by entertainment. Further, the needs of buskers are different as is the minimum requirements of Council.

Explanation of the terms "circle shows", "passer-by entertainment" and "pitches" are offered in greater detail in clause 4.

A table has been developed to show minimum requirements in respect to the various performers or performance type and pitches. These tables are attached to this document as Schedule "A", Minimum Requirements in Respect to Performers and Schedule "B", Minimum Requirements in Respect to Pitches".

The objectives are as follows:

- 1.1 To encourage street entertainment of a high quality enhancing the vibrancy, vitality and ambience of the City.
- 1.2 To identify locations suitable as busking and performance sites for regular performers and for specific events.
- 1.3 To provide a framework to ensure street entertainment is fostered in a well managed manner, while maintaining the well being, comfort and safety of the public and performers.

## 2 Principals

The City of Fremantle recognises that:

- 2.1 Fremantle has a strong tradition of busking and street entertainment.
- 2.2 Busking and street entertainment contribute to a unique Fremantle identity.
- 2.3 Busking is a valid means for people to make a living.
- 2.4 Busking and street entertainment should not contribute to a lack of public safety or personal safety of performers.

- 2.5** Busking or street entertainment should not unduly disrupt or interfere with pedestrian and vehicular traffic.

### **3 Guidelines**

- 3.1** A person under the age of 14 years should not perform in any part of a performance:
- a) during school hours,
  - b) between 7.00 pm and 6.00 am, and
  - c) unless accompanied by an adult at all times.
- 3.2** Buskers and street entertainers must use locations which do not unduly interfere with vehicular or pedestrian traffic, public amenities or cause undue obstruction to traders or delivery vehicles.
- 3.3** Buskers may receive voluntary donations from the audience.
- 3.4** Amplification of sound is not encouraged. If, however, some amplification is necessary because of the nature of the event or instrument/s then the busker should be aware of noise sensitive areas/people/times and adjust amplification to suit. If in the opinion of a Community Safety Officer, Environment Health Officer or Police Officer, the noise level is too high then the busker is expected to comply with the directions of that officer. Amplification may only be used as set out in Schedule B.
- 3.5** Buskers and street entertainers may not advertise goods for sale or associate themselves with such advertising in conjunction with their performance.
- 3.6** Buskers must comply with directions issued by members of the WA Police Force and/or authorised officers of the City of Fremantle.
- 3.7** The City would expect the buskers to behave in an ethical and proper manner at all times.
- 3.8** Authorised officers may ask buskers to cease busking immediately if:
- 3.8.1** The busker/s are deemed to be causing a nuisance.
  - 3.8.2** The busker/s does not keep their site safe and clean while working.
  - 3.8.3** The busker/s is causing, or is contributing to, undue obstruction to pedestrians or vehicular traffic and entrances to shops or buildings.
  - 3.8.4** The busker/s is interfering in any way with an approved event or activity.

- 3.8.5** The busker/s is using dangerous implements or materials as part of a performance and do not have a valid permit issued by the City of Fremantle which can be produced on request.
- 3.9** A busker or street entertainer may be prohibited from performing in the City of Fremantle by a written direction from an authorised officer of the City of Fremantle.
- 3.10** Council reserves the right to prohibit busking or street entertainment in a designated area whilst Council or public works are in progress.
- 3.11** A busker or street entertainer who is performing pavement or visual art:
- a) must use chalk unless working on paper or card.
  - b) cannot use spray paint unless it has been approved for a specific event by the City of Fremantle.
  - c) must return the location, including the pavement surface, to its former condition.
- 3.12** The City of Fremantle strongly recommends that performers obtain their own personal accident insurance.

## **4. Types of busking**

### **4.1 Circle shows**

As the term implies this is when entertainment is offered to the public in a fashion where the audience assembles around the entertainer for the duration of the show.

### **4.2 Passer-by entertainment**

As the term implies this is when entertainment is offered to the public in a fashion where the audience walking by, may stop briefly, and then continue.

## **5. Pitches**

A pitch is described as the area where a performance is held. There are a number of standard pitches in Fremantle. Listed below are some comments that apply to these pitches.

### **5.1 Fremantle Markets pitch**

Circle shows in front of the Fremantle Markets have long been an integral part of people's shopping experience when visiting Fremantle. Many high calibre international performers have performed on the Fremantle Markets pitch which is known world wide amongst performers for its friendly atmosphere and good relations between entertainers.

The Fremantle Markets pitch is also home to some of the best Australian street performers who also happen to be Fremantle residents. Many travel to

perform yearly at national and international festivals bringing back new skills and experiences.

Thousands of locals and visitors to Fremantle have enjoyed the vibrant street performance culture in Fremantle.

The Fremantle Markets Pitch is the only place circle show performers have enough room to work safely, other than the grassed area outside Cicerellos, which is at times fenced off to enable the grass to regrow.

The Fremantle Markets pitch is a well organised self governed pitch run in conjunction by experienced, professional local performers and the Fremantle Community Safety Team. They enjoy an excellent relationship with audiences, tour groups, people in the markets, adjoining stallholders, businesses and the local Community Safety Team.

## **5.2 Other pitches such as South Terrace, King's Square, Cicerellos, High Street Mall etc.**

Most common forms of this style of performance are many indigenous performers, guitarists, singers, flautists, mimes, and statues. All these shows work well with minimum space and also play an important part in Fremantle's colourful performance community.

## **5.3 Restrictions**

There are a good variety of pitches around Fremantle which are well suited to those performers who do not have restrictions on their performance such as space or height as do most of the circle shows.

The following restrictions apply:

- a) It must not interfere with pedestrian or vehicle access, including laneways or footpaths.
- b) Entrances and exits to shops and buildings must be kept clear at all times.
- c) It must not be located near, or interfere with, an event or activity approved by the City of Fremantle.
- d) It must be a reasonable distance from other street entertainers so as not to distract from their performance.

Any noise created should not exceed noise levels specified within the Noise Abatement Regulations.

Respect to the general public and shop owners should be adhered to at all times.

Time limits can be negotiated by consultation with shop owners noting however passer-by entertainers often require a longer time slot than a circle show to make it worthwhile for the performer.

#### **5.4 Special notes**

The above guidelines and attached Code of Practice and schedules should be adhered to at all times.

Incidents are rare however any disputes may be referred to Fremantle Community Safety Team who will assist where possible.

The expectation of the City is that buskers will at all times comply with the intent and direction of these guidelines and comply with reasonable requests of residents and/or businesses. In the event that the guidelines are breached or a nuisance is created the Community Safety Team or police will ask that the activity cease, relocate or be modified in some way to remove the component considered unreasonable.

## SCHEDULE "A" MINIMUM REQUIREMENTS FOR PERFORMERS

Type of Performer	Approved Pitches	Performance area delineation	Fire Blanket & Extinguisher	Noise Control	Time Limit	Insurance
Solo Musicians & Musical Groups	All	N/A	N/A	Yes	60 mins Except High St Mall which is 30mins	Recommended
Circus Acts, i.e. acrobats, cyclists and jugglers	1,3,4,5,9 and 10	Boundary Required (soft)	N/A	Yes	60 mins	Required
Fire Acts	1,3,4,5,9 & 10	Boundary Required (soft)	Yes	Yes	60 mins	Required
Statue & Mime Artists	All	N/A	N/A	N/A	60 mins	Recommended
Face Painters	All	N/A	N/A	N/A	60 mins	Recommended
Chalk Artist/s	2,3,5,6 and 10	N/A	N/A	N/A	60 mins	Recommended

### Recommended pitches

## SCHEDULE "B" COMMENTS IN RELATION TO SPECIFIC LOCATIONS

Pitches	Comments
1. Henderson Street Mall between Markets and Sail & Anchor Hotel only (Circle shows take priority) There is a smaller pitch up by the Old Shanghai	<ul style="list-style-type: none"> <li>• No mechanical implements eg chainsaws / whipper snippers etc</li> <li>• No animal acts</li> <li>• CDs / tapes can only be sold if not available in retail stores in Fremantle</li> <li>• Amplification only at Pitch 1,3,4,5, 9 &amp; 10 only (refer to 3.4 under the guidelines)</li> </ul>
2. High Street Mall (30 MINS ONLY)**	
3. King's Square (buskers must not interfere with Church services or Town Hall functions)	
4. Pioneer Park	
5. Esplanade Reserve	
6. Essex Street (outside the TAFE)	
7. Adelaide Street opposite the Town Hall	
8. Adelaide Street next to Target	
9. Cicerello's (permission required)	
10. E Shed Markets (permission required)	

**\*\*Please note no more than two pitches at any one time.**

## Code of Practice

- 1 A performance, with the exception of pavement or visual artists, can continue in one location for no more than 60 minutes. After performing in one location, the performer or busker:
  - a) must move at least 50 metres from that location, and
  - b) cannot return to, or within 50 metres of, that location within 2 hours.
  
- 2 A performer or busker who is performing pavement or visual art:
  - a) must use chalk unless working on paper or card,
  - b) cannot use spray paint; unless it has been approved for a specific event by the City of Fremantle, and
  - c) must return the location, including the pavement surface, to its former condition.
  
- 3 A performance must not involve:
  - a) anything that is offensive or obscene,
  - b) the commission of a nuisance, or
  - c) any activity or act, which endangers the safety of the public or an animal or damage to public property.

### Use of dangerous materials & implements in busking and street entertainment

The City of Fremantle recognises that many buskers and street entertainers operating in the city use materials and implements in their practices that may reasonably be viewed as dangerous. However, the City of Fremantle also acknowledges that, in the hands of skilled and experienced performers, the use of fire and potentially dangerous implements such as knives and swords, in circus or juggling acts, lends an appealing theatrical element that is popular with the viewing public.

The purpose of this Code of Practice, is to ensure that the use of dangerous materials and implements is restricted to performers who have highly developed skills and experience in their use, and who are acutely aware of the need to ensure the safety of the public as well as their own safety when using them, as well as having their own public liability.

### Special permits

Performers using dangerous materials and implements must hold a current Special Permit to use these items in their acts. All general conditions applying to busking and street entertainment in Fremantle apply to the holding of a Special Permit.

Application for these permits will only be considered when the application is accompanied by public liability insurance.

Performers holding Special Permits must display them at all times in a prominent position while performing their acts using dangerous materials and implements. Performers must have a safety management plan.

### Conditions for special permits

Performers holding a Special Permit, when using dangerous materials or implements in their acts, must adhere to the following conditions in the interests of public safety, and their own. The performer must, at all times:

- 1 Ensure the health and safety of the audience witnessing the performance.
- 2 Ensure that public and private property is not damaged in the course of the performance.
- 3 Define the performance space to be used, by establishing a physical boundary of at least 2 metres between herself/himself and the audience utilising one of the following options:
  - a) ropes or chains, and/or
  - b) chalk line (if the surface to be drawn on is not of a porous material such as granite or sandstone, and if the line drawn is water-soluble and removed once the busker has completed the act).
- 4 Include a “Work Cover” approved Fire Blanket/water based extinguisher in their performance kit that is kept visible and accessible throughout the performance.
- 5 In the case of the use of flammable liquids, fuels are limited to kerosene, firewater or scented lamp oils (eg citronella) only. No other fuels will be permitted.
- 6 Store and transport any flammable liquids permitted under the Code of Practice in accordance with Section 7 of the Australian Dangerous Goods Code, which states:

***“Only portable plastic containers of no greater than a 5 litre capacity can be used”***
- 7 Containers conspicuously marked with the words **“HIGHLY FLAMMABLE”**, in capital letters on both sides of the container of Class 3 flammable liquids, and the name of the liquid in the container, eg Kerosene etc.
- 8 Use a container as a drip tray for flares or torches, or preferably use a presoaking method for the flares or torches. City of Fremantle will not tolerate drip stains on ground surfaces that are not immediately removed or able to be removed by the busker using the site after the act has been completed.
- 9 If using dangerous implements in a performance, as defined under the State Act covering prohibited weapons, all edges of metal implements must be blunted and rendered non-dangerous (the use of any mechanical devices is

not permitted). An implement would be determined as blunt if it were rendered incapable of piercing human skin if thrown, or if pressure were directly applied to the edge against human skin.

- 10 Performers must have their own public liability and are encouraged to have personal accident insurance.

### **Restrictions on special permits**

All conditions applying to buskers and street entertainers in Fremantle, apply to holders of Special Permits.

Special Permits are only issued to individual buskers, not groups. That is, each busker in a group must hold a current Special Permit, if they are to use these items.

### **Process for obtaining a special permit**

Special Permits may be applied for from the City of Fremantle Environmental Health department located at Fremantle Oval, 70 Parry Street, Fremantle WA 6160.

### **Definitions**

#### **Street entertainment:**

Means the conduct, in a public place, of any form of theatrical, artistic, musical, audio or visual performance, including a performance commonly known as 'busking'. This may be of a circle or non-circle nature and may involve a political statement or be a social comment relating to issues of the day.

#### **High risk performances:**

Are those, which involve the use of fire, pyrotechnics, knives, swords or whips or high wire (more than one and a half metre from the ground) or the use of giraffe, unicycle or other acts that involve the performers being more than 1.5 metres from the ground.

### **Locations**

Within the City of Fremantle, street entertainment can occur at the locations in Schedule B. Other locations will be considered on application.

### **Contacts**

#### City of Fremantle Environmental Health

T 1300 MYFREO (1300 693 736)

F 08 9432 9895

TTY 08 9432 9777

E [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au)

#### City of Fremantle Community Safety

T 1300 360 666

E [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au)

E-Shed Markets

T 0408 099 621

E [eshedmarkets@fremantleports.com.au](mailto:eshedmarkets@fremantleports.com.au)

It is important to observe the requirements of the Risk Management Guidelines as well as this Code of Practice.

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