

Dear Jo

As discussed Tuesday on the phone during the Kuranda Indigenous Cultural Arts Collective meeting; Council supports the proposal put forward by you regarding the cultural street performances in the designated locations in Kuranda. However, the proposed new site near the Kuranda Railway Station is not permitted as this area is not under the control of Mareeba Shire Council. The land is owned and operated by Queensland Rail and due to previous concerns raised by Queensland Rail about traffic and pedestrian safety, this proposed site would require written permission from Queensland Rail before approval would be considered.

Council conducted extensive research into the possible locations for busking to be carried out in the Kuranda Village township in previous years as there were a number of issues raised by the Queensland Police, Council, land owners and business owners in the village. These concerns included:

- Traffic safety and pedestrian flow along the footpaths;
- Unrestricted access to shop fronts for customers and tourists;
- Noise levels generated from the performers in front of businesses and shops;
- Anti-Social behaviour from buskers in front of businesses and shops.

Council continually receives complaints regarding performers displaying aggressive behaviour towards business owners and tourists, particularly in locations that are not designated busking areas. Queensland Police and Council are required to respond to these complaints on a regular basis.

It is for this reason that the locations listed on Council's 'Application for Approval for Commercial Use of Roads – Busking' are the only approved locations suitable for busking activities.

Next Steps:

Please find attached the required application form for you to complete and return to Council.

Council has proposed that one application be submitted on behalf of the Kuranda Indigenous Cultural Art Collective or under another entity that covers and recognises the performers. This would allow all performers to busk under this one approval in the approved locations. Each person must have Public Liability Insurance with Mareeba Shire Council listed as an interested party. You can either purchase public liability insurance for all the performers through your preferred insurance provider, or you can obtain Council's Public Liability insurance at a cost of \$15 per performer. Public Liability insurance is an important element required for busking as the performances are being carried out on a local government controlled area. Council will not approve a busking application unless this requirement is met and documentation provided.

Further documentation is required to be submitted with the application form and can be found listed on the application form.

Council understands that you propose to carry out performances on a trial basis for a three month period, to determine the most appropriate times and locations suitable for your performers. Council will approve the application for performers to operate over the five locations. After the 3 month trial period, Council will review the proposal however please be aware that approval will not be given for the use of all 5 locations. This is to allow other buskers the opportunity to perform.

Below please find a list of standard conditions that Council impose on busking approvals:

- a. *The approval holder must comply with the Guidelines for Commercial Use of Local Government Controlled Areas and Roads.*
- b. *For the duration of the term of the approval, maintain in full force and effect a public liability insurance policy—*
 - (i) *listing the local government as an interested party;*
 - (ii) *covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and*
 - (iii) *for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website;*
- c. *Prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the public liability insurance policy.*
- d. *Indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity.*

e. Where approval is for busking, the following conditions are applicable—

- (i) *the approval holder must not engage in abusive, profane, offensive or harassing behaviour;*
- (ii) *no amplification is permitted;*
- (iii) *no flammable liquids or lit torches are to be used;*
- (iv) *no knives, whips or sharp objects are to be used;*
- (v) *the approval may be limited to specific times depending on the intrusiveness of the performance;*
- (vi) *buskers may only perform in the location detailed in the approval. The areas designated for busking shall be determined by the local government;*
- (vii) *the applicant must seek approval or consent from any business operators adjacent to the approved site;*

If you have any further queries, please let me know.

Robert D'Addona

Supervisor Health & Local Laws



Phone: 1300 308 461 | **Email:** health@msc.qld.gov.au | **Website:** www.msc.qld.gov.au
65 Rankin St, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880