

## Mandurah Busking & Street Performer Competition February 2023 - Terms and Conditions

Information regarding prizes and how to enter forms part of these Terms & Conditions. By entering the Competition, the Entrant accepts these Terms & Conditions.

1. The City of Mandurah ABN 43 188 356 365 is the promotor ("Promotor") of the Mandurah Busking & Street Performer Competition 2023 ("Competition").
2. The Competition is open to buskers and street performers ("Performers") who enter and register for the Competition ("Entrant").
3. By entering in the Competition, the Entrant agrees to these Terms and Conditions and Performance Guidelines.
4. Performers must register with the Promoter in order to be included in the voting options.
5. The Performers must perform within the competition area which is defined as the public spaces bound by part of Dolphin Drive, Zephyr Mews and Fathom Turn, and immediately surrounding areas ("Competition Area").
6. The Competition commences 9:00am WST Saturday 18 February 2023 and closes 5:00pm the same day ("Competition Period").
7. To be eligible for a Competition prize, the Performers must perform during the Competition Period. Buskers are not required to have a valid City of Mandurah Busking Permit to enter or take part in the Competition.
8. Performers are responsible for creating their own act or performance, and providing all equipment and material required. Any performances with dangerous goods (e.g. fire) require advanced written approval from the Promoter.
9. There will be five winners ("Winners") with first, second and third place Winner, a Youth Winner open to a Performer under the age of 18, and a Local Winner open to Performers who reside within the City of Mandurah.
10. City of Mandurah Elected Members, staff and family members are ineligible to win.
11. All Winners are awarded based on the number of electronic votes received by members of the public during the Competition Period.
12. The Winners will be announced on Monday 20 February 2023, at the City of Mandurah Administration Building, 3 Peel Street, Mandurah WA 6210.
13. The Winners will be notified on Monday 20 February 2023, by telephone or email. The Promoter will make all reasonable attempts to contact the winner until 4:00pm on the day which is 7 days after the Winners are announced. If the Promoter is unable to contact a Winner the Prize may be forfeited.
14. The Promoter's decision is final and no correspondence will be entered into.
15. Each Winner will receive a cash prize provided by electronic transfer, with first place receiving \$1000, second \$500, third \$250, and Youth and Local \$250 each ("Prizes"). Each performer may win a maximum of one prize.
16. The Prizes are not transferable or exchangeable.
17. The Promoter reserves the right to photograph and/or video-record the Winners' Prize collection and/or performance and use the subsequent images for promotional purposes.
18. Prizes which are lost, stolen or misplaced will not be replaced or reissued.
19. A Winner will be required to provide the appropriate bank details to deposit the Prize. It is the responsibility of a Winner to provide this information correctly, in full, and within 14 days of being notified they are a Winner.
20. If requested, the Winner must provide photo identification to the Promoter when receiving the Prize.
21. Except for any liability that cannot be excluded by law, the Performer (including their officers, employees and agents) accepts that the Promoter will not be liable for any personal injury or any loss or damage (including loss of opportunity) whether direct, indirect, special or consequential, arising in any way out of this Competition, including, but not limited to, (a) any technical difficulties or equipment malfunction; (b) any theft, unauthorized access or third party interference; (c) any Competition entry or Prize claim that is late, lost, altered, damaged or misdirected.
22. The Performer releases and indemnifies the Promoter from all claims, costs, losses (whether direct or indirect) including any interest, injury, death, penalties, legal and other professional fees and expenses awarded against or incurred by the Performer, as a result of their engagement in the Competition, or a breach of these Terms and Conditions or any wilful misconduct or a negligent act or omission by the Performer or their authorised personnel or any other person for whose acts or omissions the Performer is vicariously liable.
23. The Promoter reserves the right to vary these Terms and Conditions at any time.

## **Mandurah Busking & Street Performer Competition February 2023 - Performance Guidelines**

Information regarding performance guidelines part of these Terms & Conditions.

By entering, entrants accept these Terms & Conditions.

### **What is busking?**

A busker is considered an entertainer who is actively providing a performance in the public place in exchange for a donation. Busking is defined as, but not limited to: sounding or playing a musical instrument, singing, comedic routines, giving a recital or performing any conjuring, juggling, puppetry, mime, or dance act. For the purpose of this Competition, busking and street performances must not exceed 3 people performing at any one time in one registered act.

### **What is not considered busking?**

- Vendors of any kind – including glow sticks, flowers, jewelry and other merchandise sellers;
- Fundraising, events or promotions even if they involve any element of performance as listed previously;
- Touting or spruiking;
- Political rallying;
- Religious spruiking;
- Tarot card reading, palmistry and fortune telling;
- Massage, chiropractic treatment or any other physical manipulation;
- Face or body painting on members of the public;
- Artists selling pre-fabricated work – pavement artists must be actively engaged in producing their artistic medium and not simply selling displayed goods;
- Temporary tattoo applications; and
- Solicitors of money for any purpose

### **Busking by Minors**

Any busker under to age of 18 years must have a parent or guardian written permission.

Any busker under the age of 16 must have parent or guardian supervision at all times (including throughout performances).

### **Conditions for all Buskers**

- The use of amplification during a performance must not create noise levels that adversely impact on the operation of adjacent retail outlets or the enjoyment of the public or surrounding tenants. The volume should be appropriate for an audience viewing the performance from up to five metres away and should not be intrusive above background levels to the degree that a passer-by would need to strain their voice to be heard over the sound.
- All amplifiers used must be battery operated. No power source will be available during the Competition.
- Buskers must not to impede pedestrian movement or obstruct entrances to shops and buildings.
- Buskers must not use discriminatory/offensive language or behaviour in their performance
- A busker must not perform wearing dirty or ragged clothing.
- All performances must not include any cruelty to animals.