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Buskers enrich our streets and laws don't have to hinder they can help

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Abstract
Street performers have been part of cityscapes for centuries, yet buskers have often had an ambiguous relationship with the law. At various times they have been policed as "beggars in disguise," or treated as an urban nuisance.

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Street performers have been part of cityscapes for centuries, yet buskers have often had an ambiguous relationship with the law. At various times they have been policed as “beggars in disguise,” or treated as an urban nuisance.

Recent decades have seen an about-face, with many city governments embracing buskers as a cultural and commercial asset, putting in place rules that both encourage and control busking.

This is a tricky balance. Some busking supporters believe it is impossible because busking and regulation are like “oil and water”. For example, when Campbelltown Council was considering a permit system in 2014 one reader of the Daily Telegraph said:

“Busking is about a spontaneous musical experience. Pay? Booked in advance? That’s not busking!”

But what about buskers themselves? We decided to ask buskers in Sydney and Melbourne what they think. In most parts of the Sydney CBD, busking is governed by the City of Sydney Busking Policy, while the Sydney Harbour Foreshore Authority controls busking at Circular Quay and the Rocks.

Melbourne CBD busking laws are contained in the City of Melbourne Street Activity Policy and the Busking Guidelines. The regulatory approach is the same in both cities: buskers need a permit in order to perform, there are various restrictions – location, start/finish times, duration, volume. Hefty fines for busking without a licence or breaking the rules apply, including on-the-spot fines of A$3,000 in Melbourne and A$2,200 in Sydney.

We spoke to council officers, rangers and buskers about how the rules are enforced in practice, and whether buskers think the rules stifle their ability to “do their thing”.

Researchers like to have a hypothesis. We thought the “oil and water” theory might be true, and, the rules and regulations would be regarded as onerous and over the top.

Our findings surprised us.

The rules are fair enough

Buskers accept local council busking laws as a legitimate part of the urban environment, and many see advantages in the rules.

Pragmatism is a factor here: busking is a major (and for some, primary) source of income. Only a few were philosophically opposed to state-imposed restrictions on busking.

One busker told us:
Buskers enrich our streets and laws don’t have to hinder – they can help
Ironically, the only concern expressed about the busking scene was that the competition is too fierce:

*Melbourne is over-saturated with buskers, so every corner has someone doing something.*

**Happy and talented**

So it seems that buskers and rules aren’t like oil and water. Many cities, like Wollongong and Fremantle, are still finding their way when it comes to regulating street music.

However, Melbourne and Sydney have shown that it is possible to keep most people happy most of the time.

A final comment on the quality of buskers in these two cities. It wasn’t strictly part of our study, but we were very impressed by the quality of the street musicians we encountered. Sure, there are some beginners out there – and good on them. But if it was ever the case that busking was only for ‘itinerants’ and ‘wanna-bes’ that’s no longer true.

We heard guitarist Joseph Zarb in Martin Place; the high energy folk Pierce Brothers and roots duo Amistat in Bourke Street Mall; Maia Jelavic in Pitt St Mall; flute and didge player Dan Richardson on Swanston St; and Jack Dawson at the Rocks.

We thank these and all the others buskers who enrich the urban environment with their energy and talent. As the then NSW Attorney General, Frank Walker, said in 1979 when introducing legislation that abolished the crime of begging – a law that had been used to shut down street performers – “Long may the buskers carry on busking”!

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