

Speakers' Corner Terms and Conditions

(Permit Issued under Clause 69 of the Hobart City Council Public Spaces By-law 2018)

City of Hobart Speakers' Corner Program 6-Month Trial

The City of Hobart Speakers' Corner Program - 6 Month Trial allows speakers holding a permit from the City of Hobart to use dedicated spaces to make a public address in a peaceful and lawful manner.

The City defines Speakers' Corner as an area where open-air public speaking, debate, and discussion are allowed.

Speakers are required to apply for a permit to enable them to be part of this 6-month trial. The City of Hobart **Permitted Speaker's Lanyard** must be worn at all times when speaking as this identifies the speaker has a permit to participate in the trial.

Speakers are required to book their speaking time slot by phoning the City of Hobart customer service centre on 6238 2711 during office hours. Bookings may be made up to 1 business day in advance.

The following terms and conditions provide the framework within which speakers, businesses, property owners, residents and the broader community can have a positive experience with the Speakers' Corner Program.

All information regarding the Speakers' Corner Program 6-Month Trial, including frequently asked questions and an opportunity for feedback is available from both the City of Hobart website and the trial specific *Your Say* web page.

The following conditions and restrictions apply to this permit:

Locations

The Salamanca pedestrian plaza is the preferred area for Speakers' Corner. This location offers the opportunity for speakers to entertain and engage the community and to activate Hobart's lively street culture.

Limited opportunities will continue to be offered for speakers wanting to use the Elizabeth Street Mall for speaking.

1. The holder of this permit is approved for speaking in the new Salamanca pedestrian plaza location and the Elizabeth Mall location within the Hobart local government area identified on the City of Hobart's website.
2. The **Permitted Speaker's lanyard** must be worn when speaking, ensuring the permit number is visible.
3. The permit holder must allow an unimpeded minimum clearance of at least 2 metres around their speaking space.

Time

The City of Hobart encourages a rotation of speakers at the designated locations by limiting the speaking time. This approach aims to give all permit holders an opportunity to speak.

4. Speaking is permitted in the Salamanca pedestrian plaza location between the hours of 10.00 am and 12.00 pm on weekdays, Monday to Friday.
5. Speaking is permitted in the Elizabeth Street Mall location between the hours of 11.00 am and 12.00 pm on Tuesdays and Thursdays.
6. Speakers are not permitted to use any Speakers' Corner location outside of these hours, nor are speakers permitted to use any Speakers' Corner location on public holidays.
7. The permit holder is permitted to use Speakers' Corner for a maximum of one 30 minute time slot per day.

Speaking

We welcome public speaking, resulting in a vibrant public realm while ensuring that the community is not negatively impacted. With that in mind, speaking must not compromise the amenity of an area, or cause excessive noise, lead to anti-social behaviour or other audience discomfort.

8. A speaker must not use any form of sound amplification.
9. A speaker must not:
 - a. create a nuisance, or
 - b. speak at a noise level, or perform in a manner that, in the opinion of an officer authorised by the City of Hobart, is unreasonable or is offensive to the public.
10. A speaker must ensure that the subject matter of the presentation, the manner in which they present their material, and their behaviour and actions do not breach any law, and in particular the *Anti-Discrimination Act 1998* (Tas). Speakers must not:
 - Treat anyone less favourably because of: race; age; sexual orientation; lawful sexual activity; gender; gender identity; intersex variations of sex characteristics; marital status; relationship status; pregnancy; breastfeeding; parental status; family responsibilities; disability; industrial activity; political belief or affiliation; political activity; religious belief or affiliation; religious activity; irrelevant criminal record; irrelevant medical record; or association with a person who has, or is believed to have, any of these attributes;
 - engage in any conduct which offends, humiliates, intimidates, insults or ridicules another person on the basis of: gender; race; age; sexual orientation; lawful sexual activity; gender identity; intersex variations of sex characteristics and disability; marital status; relationship status; pregnancy; breastfeeding; parental status or family responsibilities in circumstances in which a reasonable person, having regard to all the circumstances, would

have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed

- sexually harass another person including by making any unwelcome sexual gesture, action or comment of a sexual nature in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed;
- incite hatred towards, serious contempt for, or severe ridicule of, a person or a group of persons on the ground of: race; disability; sexual orientation or lawful sexual activity; religious belief or affiliation or religious activity; gender identity or intersex variations of sex characteristics of the person or any member of the group.

See Equal Opportunity Tasmania's website for more information on the *Anti-Discrimination Act*: <https://equalopportunity.tas.gov.au/home>

11. Only one speaker is permitted to use Speakers' Corner at any one time. Should additional speakers wish to alternate with a speaker within the same time slot, they must also possess a valid speaker's permit and be listed as part of the booking. (Additional speakers from one group of people will not be granted additional time; therefore the 30 minute time limit for the group is to be complied with).
12. A speaker may use a stand / device to elevate themselves when speaking. The height of the stand / device is not permitted to exceed 1 meter from the surface beneath (refer below).

Clause 3.9.2.2 of Volume 2 of the Building Code of Australia provides, as far as relevant, that a continuous balustrade or other barrier must be provided along the side of (as far as relevant) any ramp, balcony, deck or the like if:

- It is not bounded by a wall; and
- Its level above the surface beneath is more than 1m.

Provided the platform or like is less than 1m in height a balustrade or barrier would not be required.

13. A speaker may display pamphlets and reading material for distribution. The materials are to be displayed in a purpose built/constructed display device, which can contain an explanatory sign indicating who the speaker is or who the speaker represents or where the speaker is from, for members of the public to collect at their own free will. Pamphlets and reading material are not to be hand distributed. The contents of the pamphlets and reading material must not breach any law, and in particular, must not amount to discrimination or prohibited conduct as defined in the *Anti-Discrimination Act 1998 (Tas)*: Refer to condition 10.

14. A permit holder must not use their speech to advertise or promote any business or commercial product. A speaker is not permitted to put up any advertisement, signboard, decoration or other sign within the Speakers' Corner location.
15. Speakers and persons assisting or accompanying speakers are not permitted to approach or harass members of the public at any time. Interaction between members of the public and speakers or persons assisting or accompanying speakers is only permitted as long as the member of the public is participating in the speaking event.
16. A speaker is not permitted to solicit and/or collect donations or subscriptions or offer anything for sale to members of the public in any Speakers' Corner location.
17. A speaker must ensure they utilise the space for speaking after they make a booking, unless there are extenuating circumstances. A permit may be suspended or cancelled for repeated failures to use a booked space for speaking.

Ensuring a safe and healthy environment

The City of Hobart has a responsibility to ensure all speakers have assessed the risks associated with their speaking and have put in place the appropriate responses to ensure the safety and wellbeing of themselves and the community.

18. If determined by the City of Hobart, a permit holder is required to hold public liability insurance to an identified value for the life of the permit. If asked by a City representative, the permit holder will need to provide evidence of this insurance policy.
19. The permit holder indemnifies the City of Hobart for any loss, damage or injury whatsoever, to property or person, which is caused or contributed to by the activities in connection with this permit.

Suspension/Termination of Permit

20. The City of Hobart may suspend or terminate this permit or amend the terms and restrictions of this permit at any time at the City's absolute discretion.
21. The permit holder must comply in all respects with the provisions of all Acts of Parliament, Regulations, Rules and By-Laws and all notices, requirements or directions which may be made or given by the City of Hobart or any other authority.
22. This permit may be suspended or terminated for any breach of the above conditions, and may result in the City of Hobart declining to grant any further permit to the permit holder.

Other

23. The permit holder acknowledges that the Speakers' Corner locations may from time to time be impacted by public works, maintenance or by organised events taking

place. As a result, the Speakers' Corner locations may be temporarily unavailable or permanently relocated at the City's discretion.

24. A permit holder may be asked to cease speaking if a City of Hobart authorised officer forms an opinion that the speaker is in breach of any of these terms and conditions
25. The permit holder agrees to abide by all COVID-19 physical distancing requirements and/or restrictions set by the Tasmanian Government which are applicable at the time.

It is expected that the permit holder will remind audience members of COVID-19 safety requirements if they gather around the permit holder.

If a member of the public believes a speaker has breached these terms and conditions they should lodge a complaint with the City of Hobart via email, telephone or webform.

26. Persons under the age of 18 must have parental or legal guardian consent to apply for a permit to use Speakers' Corner. Persons under the age of 16 years must have parental or legal guardian supervision at all times when speaking. A parent or guardian must be present when an application for a permit is made.