



AUSTRALIA COUNCIL FOR THE ARTS

SUBMISSION TO THE PARLIAMENTARY JOINT  
COMMITTEE ON HUMAN RIGHTS INQUIRY ON  
FREEDOM OF SPEECH IN AUSTRALIA

**DECEMBER 2016**



Committee Secretary  
Parliamentary Joint Committee on Human Rights  
PO Box 6100,  
Parliament House  
Canberra ACT 2600

Dear Secretary,

The Australia Council is pleased to have this opportunity to contribute to the Parliamentary Joint Committee on Human Rights Inquiry on *Freedom of speech in Australia*.

As the Australian Government's arts funding and advisory body and national advocate for the arts, the Australia Council has a statutory role to uphold and promote the rights of people to freedom of artistic expression. Free artistic expression is an essential tenet of Australian cultural life, and one which – if it is to have any meaning - must entail the freedom to perform, exhibit or distribute works which are unpopular, shocking or disturbing in order to ensure that Australian artists are free to experiment and engage with the diversity of human experience.

The Australia Council is equally committed to the right of people to freedom from racial discrimination, which is a critical component of a vibrant, inclusive and creative community in which Australians from all backgrounds are given the opportunity to participate in and contribute to Australia and its social, economic and cultural life.

Australian artists are known for their expression, daring and skill. They create experiences that change lives, experiment with new ways of exploring the human experience and make a rich contribution to Australian society. For this contribution to continue, it is important that - within the confines of applicable laws - all artists are able to express their art, no matter their background.

In this context, the Australia Council considers that Part IIA of the *Racial Discrimination Act 1975* (Cth) strikes an appropriate balance between the indivisible rights of freedom of artistic expression and freedom from racial discrimination. Accordingly, and for the reasons provided in our submission, Council respectfully submits that the legislation as currently drafted does not impose an unreasonable restriction on freedom of artistic expression and should not be subject to amendment on this basis.

Tony Grybowski  
Chief Executive Officer  
Australia Council for the Arts

## EXECUTIVE SUMMARY

- The Australia Council has a statutory role to uphold and promote the rights of people to freedom of expression in the arts, and considers that freedom of expression plays a critical role in Australian arts and cultural life.
  - While there is no explicit right to freedom of expression under Australian law, the Australia Council notes the right to freedom of expression is a fundamental principle of Australia's social, political and legal systems, and that Australia has committed to its protection under international law.
- The Australia Council is also committed to the right of people to freedom from racial discrimination, which aligns with a number of Council's core statutory functions, and which Council regards as an essential precondition for the protection and promotion of freedom of expression in the arts.
- Noting that the cost of unjustified limitations of fundamental rights and freedoms may be significant, potentially impacting the social, cultural, political and economic lives of all Australians, the Australia Council is of the view that laws and regulations that purport to limit fundamental rights and freedoms should be carefully calibrated in order to ensure that an appropriate balance is struck between competing policy objectives and avoid any unjustifiable restriction on the protection and promotion of rights.
- The Australia Council notes that Part IIA of the *Racial Discrimination Act 1975* (Cth) provides a limitation on freedom of expression, including in the arts, and welcomes the opportunity to comment on the operation of the legislation.
- The Australia Council has reviewed the purpose and operation of Part IIA of the *Racial Discrimination Act 1975* (Cth).
  - Taking into account the judicial interpretation of section 18C and the defences provided for in section 18D, as well as the importance of protecting and promoting the indivisible rights of freedom of artistic expression and freedom from racial discrimination, the Australia Council considers that Part IIA of the *Racial Discrimination Act 1975* (Cth) strikes an appropriate balance between competing policy objectives, and does not impose an unreasonable restriction on freedom of artistic expression.

## SUBMISSION

### 1. The Australia Council and the right to freedom of expression in the arts

The Australia Council has a statutory role to uphold and promote the right to freedom of expression in the arts.<sup>1</sup> Broadly, this involves promoting respect for and understanding of the right to freedom of artistic expression, supporting Australian arts practice that exemplifies freedom of artistic expression<sup>2</sup> and safeguarding freedom of expression in our decision-making through the arms' length principle and peer assessment processes.<sup>3</sup>

Freedom of expression is an essential precondition for public debate on issues of public interest. In the arts, the Australia Council takes the view that the freedom for people to express themselves without restraint, to engage freely in the artistic process, and to create and consume a diverse range of artistic expressions allows all Australians to develop and express their humanity, to engage with complex social issues, to question and provoke debate and contribute to the development of our vibrant cultural life and democracy. Put simply, freedom of artistic expression enriches us all.

Accordingly, consistent with our enabling legislation, the Australia Council works to uphold and promote freedom of artistic expression not only as an intrinsic social good, but also as a critical component of our support for excellence and diversity in Australian arts practice.<sup>4</sup>

### 2. A 'right' to freedom of expression

The Australia Council acknowledges that there is no explicit right to freedom of expression under Australian domestic law.<sup>5</sup> Nevertheless, we note that freedom of expression has long been regarded as a fundamental principle of the common law,<sup>6</sup> and a foundation of Australian liberal democracy.<sup>7</sup>

Additionally, we note that Australia has obligations under international law to protect the right to freedom of expression, including in the arts, such as:

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<sup>1</sup> Section 9(1)(bc) of the *Australia Council Act 2013* (Cth) provides that it is a function of the Australia Council to uphold and promote freedom of expression in the arts.

<sup>2</sup> Commonwealth of Australia (2013), Supplementary Explanatory Memorandum.

<sup>3</sup> Section 12(2) of the *Australia Council Act 2013* states that the Minister must not give a direction in relation to the making of a decision by the Council, in a particular case, relating to the provision of support (including by the provision of financial assistance or guarantee).

<sup>4</sup> Section 9(1)(insert subclauses) of the *Australia Council Act 2013* (Cth).

<sup>5</sup> Rather, the High Court has recognised the more limited implied right to free political communication: *Lange v Australian Broadcasting Corporation* (1997) 189 CLR 520. This limited right does not protect individual freedom of speech as such, nor extend more generally to cases where political issues are not involved.

<sup>6</sup> In his *Commentaries on the Laws of England*, Blackstone described freedom of speech as "essential to the nature of a free State" (Vol 4 at 151-152). Similarly, In 1891 Lord Coleridge said that "[t]he right of free speech is one which it is for the public interest that individuals should possess, and indeed that they should exercise it without impediment, so long as no wrongful act is done." (*Bonnard v Perryman* [1981] 2 Ch 269 at 284.)

<sup>7</sup> *Evans v State of New South Wales* [2008] FCAFC 130.

- Article 19(2) of the *International Covenant of Civil and Political Rights* (ICCPR), which provides that “[e]veryone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”<sup>8</sup>
- Article 15 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), which provides that States Parties recognize the right of everyone to take part in cultural life.
- Article 27 of the *Universal Declaration of Human Rights* which provides that “[e]veryone has the right to freedom of expression and opinion”, as well as Article 27, which provides that everyone has the right “to enjoy the arts”.

### 3. Limitations on the right to freedom of expression

The Australia Council recognises that the right to freedom of expression is not absolute.<sup>9</sup> Consistent with international human rights law and Australia’s domestic law, the Australia Council accepts that the right to freedom of artistic expression may, and sometimes must, be balanced with other rights and responsibilities, and that some limitations on freedom of expression may be appropriate, provided they reasonably serve a legitimate countervailing public purpose.

For example, the Australia Council takes seriously the expectation that publicly funded activity must abide by the law, and adherence to the applicable commonwealth, state and territory laws is a condition of funding for projects supported by the Australia Council.

However, the Australia Council does not consider that artistic expression should be prohibited simply because it expresses a viewpoint which is considered controversial, dissenting or distasteful. As a general principle, freedom of artistic expression is not – and should not – be limited to expression which is polite or inoffensive. Free artistic expression is an essential tenet of our cultural life, and one which – if it is to have any meaning - must entail the freedom to perform, exhibit or distribute works which are unpopular, shocking or even disturbing in order to protect the right of artists to dissent, to use political, religious or economic symbols as an alternative view to dominant narratives, and to express their own beliefs and world view.<sup>10</sup>

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<sup>8</sup> In its interpretation of Article 19, the United Nations Human Rights Committee has identified the forms of communication that should be free from interference, including inter alia cultural and artistic expression: United Nations Human Rights Committee, General Comment No 34 (2011) on Article 19 of the ICCPR on Freedoms of Opinion and Expression (CCPR/C/GC/34) [11].

<sup>9</sup> Article 19(3) ICCPR provides that “[t]he exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary (a) For respect of the rights or reputations of others; and (b) For the protection of national security or of public order (ordre public), or of public health or morals.”

<sup>10</sup> *The Right to Freedom of Artistic Expression and Creativity*, Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed, 14 march 2013, A/HRC/23/34

Beyond the intrinsic value of artistic freedom, the Australia Council notes that the social cost of unjustified limitations on the right to freedom of artistic expression may be significant: affecting the economic viability of the creative sector, undermining the vibrancy of our social and cultural lives, hampering the functioning of our democracy, silencing debate, and impacting the enjoyment of rights by a wide range of people: the artists themselves, as well as all those participating in the creation, production, distribution, dissemination and consumption of artwork.

Furthermore, the Council notes the risk that any lack of certainty around such laws and regulations may contribute to self-censorship in the cultural sector, which would stifle freedom of artistic expression and impoverish the public sphere.

For these reasons, the Australia Council considers that laws and regulations which restrict the ability of Australian artists to perform, exhibit or distribute their works should be carefully calibrated to ensure that an appropriate balance is struck between competing policy objectives, and that the constraints proposed are proportionate to the aim pursued and do not unjustifiably interfere with the freedom of artistic expression.

#### 4. The Australia Council and the right to freedom from racial discrimination

Freedom from discrimination is one of the underlying principles of human rights, which are based on the equal worth and dignity of all human beings, and is included in all international and regional human rights conventions.

In Australia, the *Racial Discrimination Act 1975* (Cth) was enacted for the prohibition of racial discrimination in response to recommendations of the National Inquiry into Racist Violence, the Royal Commission into Aboriginal Deaths in Custody and the Australian Law Reform Commission, as well as to implement Australia's obligations under the *International Convention on the Elimination of all Forms of Racial Discrimination*.

The Australia Council considers that the protection of the right to freedom from racial discrimination and the right to take part in cultural life is a critical precursor for the delivery of a number of Council's key statutory functions<sup>11</sup>, including, but not limited to:

- to support Aboriginal and Torres Strait Islander arts practice;
- to support Australian arts practice that reflects the diversity of Australia; and
- to promote community participation in the arts.

The Australia Council has a rich history of strategic engagement with the promotion and protection of cultural diversity in the arts. Since 2007 the Council has adopted an overarching Cultural Engagement Framework with the aim of ensuring 'that the artistic and cultural skills, experience and resources resulting from Australia's social and demographic diversity are given the opportunity to develop, flourish and contribute to a distinctly Australian style of artistic excellence and innovation', and has implemented protocols for working with Indigenous artists to ensure the protection of Indigenous cultural heritage in works funded by the Council.<sup>12</sup>

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<sup>11</sup> Section 9, *Australia Council Act 2013* (Cth)

<sup>12</sup> The Australia Council's protocol guides for working with Indigenous Australian artists are available at the following link: <http://www.australiacouncil.gov.au/about/protocols-for-working-with-indigenous-artists/>

In its 2014-2019 strategic plan, the Council envisions Australia as a ‘culturally ambitious nation’ that draws strength from its diversity of identities, faiths, individual differences and pursuits. Supporting a diverse range of artists is a central priority for the Council to better reflect and extend the diversity of cultural expressions in Australia.

Effective anti-discrimination laws play a critical role in the realisation of diversity in the arts, as they function to create an enabling environment for the creation, publication and dissemination of diverse cultural expressions, enhance respect and support for cultural diversity, and may prevent artists from being victimised or discriminated against by reason of expressing their views. Accordingly, legal frameworks which protect, promote and enable a diversity of cultural expressions enrich Australia by making our communities more vibrant and creative and ensuring that Australians from all backgrounds are given the opportunity to participate in and contribute to Australia and its social, economic and cultural life.

In the absence of effective protection from racial discrimination, the Australia Council notes that Australian artists, including Aboriginal and Torres Strait Islander artists and artists from ethnically diverse backgrounds, may be prevented or discouraged from strengthening, performing, exhibiting and distributing their arts and culture, a very real possibility which would diminish all Australians, undermining our diversity and cultural vibrancy and damaging our cohesion as a diverse, multicultural society.

Furthermore, the Australia Council recalls the indivisible nature of human rights, pursuant to which such rights are complementary, mutually reinforcing and best realised when implemented together. When applied to the right to freedom of expression and the right to freedom from racial discrimination, the Australia Council is of the view that anti-discrimination laws, including the *Racial Discrimination Act 1975 (Cth)*, make a critical contribution to the protection and promotion of freedom of expression in the arts. In this context, the Australia Council notes that racial discrimination can be a form of harassment that limits people’s enjoyment of their rights to freedom of expression and participation in public life. As noted by the Committee on the Elimination of Racial Discrimination:

The protection of persons from racist hate speech is not simply one of opposition between the right to freedom of expression and its restriction for the benefit of protected groups; the persons and groups entitled to the protection of the Convention also enjoy the right to freedom of expression and freedom from racial discrimination in the exercise of that right. Racist hate speech potentially silences the free speech of its victims.<sup>13</sup>

For similar reasons, the chilling effect caused by the absence of effective protection from racial discrimination would also impact a range of Council’s other key statutory functions, including, not limited to:

- to support Australian arts practice that is recognised for excellence;
- to foster excellence in Australian arts practice by supporting a diverse range of activities; and

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<sup>13</sup> Committee on the Elimination of Racial Discrimination issued a new *General recommendation No 35 – Combating racist hate speech* (CERD/C/GC/35), September 2013, para 26-28.

- to promote the appreciation, knowledge and understanding of the arts.

The Australia Council regards diversity as a vital element of artistic excellence. This relationship is specifically acknowledged in our legislation,<sup>14</sup> and we pursue the cultural understanding and rigour to ensure it is recognised in our programs. In this context, Council is convinced that anti-discrimination laws, including the *Racial Discrimination Act 1975* (Cth), make a critical contribution to excellence in Australian arts by promoting participation in and enjoyment of the arts that is not be determined by personal background, nor circumscribed by an environment of harassment or fear. Such an environment is a necessary precondition for the development of a vibrant and innovative Australian arts sector with an evolving and distinctive contemporary Australian voice.

For these reasons, the Australia Council is of the view that laws and regulations which limit the protections available to all Australians to be free from racial discrimination and vilification should be carefully calibrated to ensure that such limitations do not result in unintended consequences, such as a reduction in the promotion and protection of cultural diversity in the arts, or an unjustifiable interference with the enjoyment of other rights, including the right to freedom of artistic expression.

#### 5. Part IIA of Racial Discrimination Act 1975 (Cth) and freedom of artistic expression

Part IIA was inserted into the *Racial Discrimination Act 1975* (Cth) by the *Racial Hatred Act 1995* (Cth), and is directed at the prohibition of offensive behaviour based on racial hatred. Specifically, subject to limitations contained therein, the Part operates to render unlawful public acts which are reasonably likely to offend, insult, humiliate or intimidate on the basis of race.

Part IIA balances protection of the right to freedom from racial discrimination with the public policy interest in the protection of the right to freedom of expression, with section 18D enumerating circumstances in which an expression, which would otherwise be captured by section 18C, shall not be rendered unlawful. Among these exemptions, section 18D unambiguously protects *freedom of artistic expression*, providing that an expression will not be unlawful if it is said or done in the performance, exhibition or distribution of an artistic work.<sup>15</sup>

Having considered the operation of sections 18C and 18D, the Australia Council notes that there are a narrow category of artistic expressions which could be rendered unlawful as a consequence of the operation of the *Racial Discrimination Act 1975* (Cth). This is due to the fact that, as a precondition to obtain the protection of the section, section 18D provides that it is necessary for the artistic expression in question to have been performed, exhibited or published in circumstances which were *reasonable and in good faith*. These caveats are

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<sup>14</sup> Section 9(1)(b) *Australia Council Act 2013* (Cth).

<sup>15</sup> An 'artistic work' is not defined in the *Racial Discrimination Act 1975* (Cth). However, the term has been interpreted broadly and appears to contemplate works across literary, visual and performing arts: *Bropho v HREOC* [2001] FCAFC 16 at [104]. The Australia Council considers that the definition of artistic work is sufficiently broad and flexible to be able to properly protect freedom of artistic expression as artistic forms and practices evolve over time.



intended to ensure that, while protecting a person's entitlement to freedom of expression, Part IIA also requires that the freedom be exercised responsibly by those who hold it.

The effect of section 18D as currently drafted is that art which is gratuitously insulting, offensive or provocative,<sup>16</sup> or which fails to have regard to and minimise the harm which it will inflict, may not attract the protection of section 18D, irrespective of the fact that it was said or done during the performance, exhibition or distribution of an artistic work. Thus, the Australia Council acknowledges that while the exemptions provided for in section 18D essentially 'carve out' conduct taking place in the context of the performance, exhibition or distribution of an artistic work, there remain some artistic expressions which are vulnerable to being rendered unlawful by virtue of Part IIA of the *Racial Discrimination Act 1975* (Cth).

## 6. Operation of Part IIA: a balance of rights

As noted in Parts 2 and 3 above, the Australia Council is committed to the protection and promotion of the right to freedom of artistic expression, and considers that laws and regulations which restrict the ability of Australian artists to perform, exhibit or distribute their works should be carefully calibrated to ensure that the constraints proposed are proportionate to the aim pursued and do not unjustifiably interfere with the right to freedom of artistic expression.

In this case, it is clear that the potential encumbrance on the freedom of artistic expression instigated by Part IIA of the *Racial Discrimination Act 1975* (Cth) was carefully considered by Parliament and balanced against the policy imperative of protecting other essential rights and freedoms, most critically, the right to freedom from racial discrimination.

This was specifically addressed by the then-Attorney General in his Second Reading Speech, which stated "[i]n this Bill, free speech has been balanced against the rights of Australians to live free of fear and racial harassment. Surely the promotion of racial hatred and its inevitable link to violence is as damaging to our community as issuing a misleading prospectus, or breaching the *Trade Practices Act*."

The Australia Council has reviewed the purpose and operation of Part IIA of the *Racial Discrimination Act 1975* (Cth) with particular reference to its impact on two rights which exist at the core of a diverse, vibrant and flourishing national arts sector: the right to freedom of artistic expression and the right to freedom from racial discrimination.

As noted in Part 4 above, the Australia Council notes that while the exemptions provided for in section 18D essentially 'carve out' conduct taking place in the context of the performance, exhibition or distribution of an artistic work, there remain some artistic expressions which remain vulnerable to being rendered unlawful by virtue of Part IIA of the *Racial Discrimination Act 1975* (Cth): artistic expressions which are unreasonable, deliberately provocative, made in bad faith, and likely to have profound and serious effects on Australian society.

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<sup>16</sup> See for example *Kelly-Country v Beers & Anor* [2004] FMCA 336 (21 May 2004) at [93]; *Toben v Jones* [2003] FCAFC 137.

In its consideration of the implications of Part IIA for such expressions, the Australia Council has taken comfort in the extensive and persuasive body of judicial authority which has consistently favoured a narrow interpretation of section 18C, applying it in a way which deals only with serious effects and limiting the risk that the section would unjustifiably limit freedom of artistic expression.

The Australia Council acknowledges that there has been criticism of the scope of ‘offending conduct’ which falls under the auspices of section 18C.<sup>17</sup> Council is aware that some commentators regard the breadth of conduct captured by 18C – and particularly the lower thresholds of ‘offend’ and ‘insult’ – as an unjustifiable interference with the right to freedom of expression which exceeds Australia’s obligations under international human rights law.

The Australia Council has reviewed Part IIA of the *Racial Discrimination Act 1975* (Cth) and the applicable case law and respectfully disagrees with this view. Judicial decisions on section 18C have consistently interpreted the section narrowly and applied it in a way which deals only with “profound and serious effects”<sup>18</sup>, conduct which is “injurious to the public interest and ... the public’s interest in a socially cohesive society”<sup>19</sup>, underscoring that the purpose of the provision is explicitly *public* in nature, “intended to prevent people from seriously undermining tolerance within society by inciting racial hatred or threatening violence against individuals or groups because of their race, colour or national or ethnic origin.”<sup>20</sup>

Critiques which find their foundation in the interpretation of international human rights law also mischaracterise the nature of the applicable law. While Part IIA arguably encompasses conduct extending beyond expressions of ‘racial hatred’ which States Parties are obliged to criminalise under Article 4 of the *Convention on the Elimination of all Forms of Racial Discrimination*, it clearly falls within the ambit of Article 2(i) of the Convention, which requires States Parties to “undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races.”<sup>21</sup>

For these reasons, the Australia Council considers that Part IIA of the *Racial Discrimination Act 1975* as currently drafted strikes the appropriate balance between the dual objectives of protecting the right to freedom of expression and protecting the right to freedom from racial discrimination, and does not impose unreasonable restrictions on the right to freedom of artistic expression.

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<sup>17</sup> Section 18C requires the conduct to offend, insult, humiliate or intimidate. On their ordinary definitions, these terms import a range of responses that vary in seriousness, with the overarching intention to prevent conduct that imparts a feeling of harassment or fear.

<sup>18</sup> *Creek v Cairns Pty Ltd* (2001) 112 FCR 352 [16].

<sup>19</sup> *Eatock v Bolt* (2011) 197 FCR 261 [263]

<sup>20</sup> Explanatory Memorandum

<sup>21</sup> In any event, irrespective of the interpretation of the *Convention on the Elimination of all Forms of Racial Discrimination*, we respectfully submit that it is settled as a matter of Australian law that it is for the legislature to choose the means by which it gives effect to the treaty. Accordingly, the mere fact that section 18C exceeded Australia’s obligations under the Convention would not prima facie require its amendment: *Victoria v The Commonwealth* (1996) 187 CLR 416, 486-87; *Airlines of NSW Pty Ltd v New South Wales* [No 2] [1965] HCA 3; (1965) 113 CLR 54, 136; *The Commonwealth v Tasmania* [1983] HCA 21; (1983) 158 CLR 1, 130-31, 172, 232, 259; and *Richardson v Forestry Commission* [1988] HCA 10; (1988) 164 CLR 261, 288-89, 303, 311-12, 336, 342.

## 7. Conclusion

The Australia Council is committed to upholding and promoting the right of people to freedom of artistic expression, which plays a critical role in Australian arts and cultural life. The Australia Council is also committed to the right of people to freedom from racial discrimination, which it regards as an essential precondition for a diverse and vibrant Australian arts sector that creates artistic excellence with an evolving and distinctive contemporary Australian voice.

The Australia Council acknowledges that Part IIA of the *Racial Discrimination Act 1975* (Cth) may impose a restriction on the right to freedom of artistic expression. However, taking into account the judicial interpretation of section 18C and the defences provided for in section 18D, the Australia Council considers that Part IIA of the *Racial Discrimination Act 1975* (Cth) strikes an appropriate balance between the indivisible rights of freedom of artistic expression and freedom from racial discrimination, and does not impose an unreasonable restriction on freedom of artistic expression.

## APPENDIX A: ABOUT THE AUSTRALIA COUNCIL FOR THE ARTS

The Australia Council is the Australian Government's arts funding and advisory body. The Council's purpose is to champion and invest in Australian arts, by supporting excellence across all art forms and leveraging investment to support and build a vibrant arts sector. The Australia Council is a national advocate for the arts and works to increase national and international access to Australian arts and culture.

The Australia Council was established as a Commonwealth statutory authority in 1975, and its functions were updated under the *Australia Council Act 2013*. They are to:

- (a) support Australian arts practice that is recognised for excellence;
- (b) foster excellence in Australian arts practice by supporting a diverse range of activities;
- (ba) support Aboriginal and Torres Strait Islander arts practice;
- (bb) support Australian arts practice that reflects the diversity of Australia;
- (bc) uphold and promote freedom of expression in the arts;
- (bd) promote community participation in the arts;
- (c) recognise and reward significant contributions made by artists and other persons to the arts in Australia;
- (d) promote the appreciation, knowledge and understanding of the arts;
- (e) support and promote the development of markets and audiences for the arts;
- (f) provide information and advice to the Commonwealth Government on matters connected with the arts or the performance of the Council's functions;
- (g) conduct and commission research into, and publish information about, the arts;
- (h) evaluate, and publish information about, the impact of the support the Council provides;
- (i) undertake any other function conferred on it by the Act or any other law of the Commonwealth;
- (j) do anything incidental or conducive to the performance of any of the above functions.

The Australia Council is a Corporate Commonwealth entity under the *Public Governance Performance and Accountability Act 2013*.

The Australia Council's Strategic Plan 2014-19, *A Culturally Ambitious Nation*, guides the work of the Council, including the four strategic goals:

- Australian arts are without borders
- Australia is known for its great art and artists
- The arts enrich daily life for all
- Australians cherish Aboriginal and Torres Strait Islander arts and culture.