

THE LIBRARY AMENDMENT (FREEDOM TO COLLECT) BILL 2026

STATEMENT OF PUBLIC INTEREST

See - [M2022-03 Statements of public interest \(nsw.gov.au\)](#)

Need: Why is the policy needed based on factual evidence and stakeholder input?

Local library collections are developed by local council public library staff with reference to community need and collection development policies which are based on the Library Council of NSW's Guideline *Access to Information in NSW Public Libraries*. This Guideline is issued by the Library Council of NSW under Section 10(5) of the *Library Act 1939*.

Some NSW local libraries have experienced pressure to exclude books or other library material from library collections. This pressure has in some cases been from local councillors or from groups who seek to suppress or restrict access to certain topics or literature.

The amendment clarifies that NSW local libraries may collect any library material.

As already defined in the *Library Act*, *Library Material* includes book, periodical, newspaper and any other printed matter and also includes map, music, manuscript, picture, photographic plate and film and any other matter or thing on or by which words, sounds or images are recorded or reproduced.

It should be noted that material that has been refused classification by the Commonwealth Classification Board is not available to local libraries, and that local libraries must adhere to any age restrictions that the Board has placed on materials.

The amendment is consistent with the existing Library Council of NSW Guideline, however, by bringing the policy into the legislation, the Government is explicitly protecting the right of local libraries to collect.

Objectives: What is the policy's objective couched in terms of the public interest?

Section 10 of the *Library Act 1939* already sets out that any NSW citizen has the right to freely enter any NSW local library and freely access collections.

These freedom of access provisions could be compromised if libraries are not able to freely develop their collections. This amendment closes that loop.

The amendment will protect the right of libraries to develop appropriate collections and ensure that local library collections can be developed without hindrance from individuals or groups who may wish to influence library collection content, including pressure to exclude content.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The existing policy framework is administered through a Library Council of NSW Guideline issued under Section 10(5) of the *Library Act 1939*, which links compliance with the entitlement of councils to receive annual State Government library subsidies.

This policy framework has been in place since the Guideline was developed in 1964 and has generally been effective, however it is one step removed from the Act itself.

In recent times there has been a change. There is a heightened sense among some groups that they can influence local library collection development. For example, recently individual councillors at three NSW local councils (Cumberland, Yass Valley and Port Macquarie-Hastings) have unsuccessfully sought to exclude perfectly lawful books from their local libraries based on their personal beliefs or preferences. Other states are experiencing similar pressure from organised groups who seek to suppress access to information on topics such as sex education.

Strengthening the *Library Act 1939* to ensure that libraries have the right to collect (while observing any Commonwealth Classification restrictions) is considered the best course of action. The amendment will ensure that the existing policy framework is explicit in the Act.

Analysis: What were the pros/cons and benefits/costs of each option considered?

The amendment will ensure that local libraries may collect for their communities without pressure from individuals or groups who seek to exclude certain topics or literature from library collections. There is no additional cost for councils or their libraries associated with the amendment.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The amendment regarding freedom of libraries to collect would be implemented immediately, noting that it clarifies the existing policy framework set out in the *Library Council Guideline on Access to Information in NSW public libraries*.

The amendment to move the rule-making powers from the *Library Regulation* to the *Library Act* would necessitate the update of State Library and local library rules. This would only require a minimal change to the wording of library rules, to note that the rules are made in accordance with the *Library Act 1939*, instead of in accordance with the *Library Regulation 2018*.

The State Library of NSW would assist local councils with this as appropriate, including notification and reference to guidelines including the scope of library rules that are set out in section 15 of the *Library Act*.

Note, there is no change to the scope of rules that may be made by the Library Council or local councils.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The Library Council of NSW is the statutory board advising the Government and local councils on public library matters. The Library Council supports the amendment, which is consistent with its *Guideline on Access to Information in NSW public libraries*. The Library Council of NSW's Public Libraries Consultative Committee includes stakeholder representation. Members are drawn from the NSW Public Libraries Association, public library managers and Local Government NSW.

Local Government NSW passed a motion at its November 2025 conference (Motion X53) "opposing the restriction of access to libraries and the resources and services they provide to our communities." As part of the motion Local Government NSW noted "the excellent advocacy and response of the NSW Government, State Library, NSW Public Libraries Association and Australian Library and Information Association in providing support to Council libraries during challenging periods in 2023 and 2024".

Nationally, the Australian Library and Information Association has been monitoring the rise of groups who are orchestrating organised campaigns to influence local councillors to exclude certain literature from local libraries.

The library industry supports moves to protect the rights of libraries to develop collections which meet the needs of communities.