



The Y NSW Youth Parliament

Hate Crime Response and Prevention Youth Act 2026

Bill Proposed By:	2026 Youth Justice Portfolio
Lead Sponsor:	Phoebe Reason, Youth Shadow Minister for Youth Justice, Youth Member for Riverstone
Sponsors:	Akira Wall, Youth Member for Swansea Corey Gafa, Youth Member for Kellyville Gabrielle Eveleigh, Youth Member for Maitland Stacey Gongupalli, Youth Member for Hawkesbury
Lead Refuter:	Aiden Brown, Youth Minister for Youth Justice, Youth Member for East Hills
Refuters:	Alyssa Pinchbeck, Youth Premier, Youth Member for Hornsby Drew Baker-Jones, Youth Member for Terrigal Harry McRae, Youth Leader of the House, Youth Member for Davidson Thalia Rao, Youth Member for Penrith

Summary of Debate:

On Thursday the 16th of July 2026 the *Hate Crime Response and Prevention Youth Bill 2026* was debated on the floor of the NSW Legislative Assembly; presided over by The Hon. Jihad Dib MP, Minister for Youth Justice, Member for Bankstown.

Results of the Vote:

The results of the vote on the passage of amendments were 28 Ayes, 21 Noes, 5 Abstentions. As such, the amendments were passed.

The results of the vote on the passage of the bill were 42 Ayes, 4 Noes, 8 Abstentions. As such, the bill was passed.

The *Hate Crime Response and Prevention Youth Bill 2026* was passed in its original form.

I certify that this Bill has been duly passed by the Y Youth Legislative Assembly of New South Wales, has received assent, and is now a Youth Act.

A stylized, handwritten signature in black ink, appearing to read 'JD', is positioned on a light gray rectangular background.

Jamison Dustin, 24th Youth Governor of the Y NSW Youth Parliament

Contents

Explanatory Note	5
Rationale	7
Reference List	9
Part 1 Preliminary	10
1 Name of Act	10
2 Commencement	10
3 Objects	10
4 Definitions	10
Part 2 Online Hate Offences	11
5 Online Hate and Digital Regulation	11
6 Age of Responsibility	12
7 Establishment of New Data Collection Report	12
Part 3 Police Powers	13
8 Police Powers in Regard to Religious Weaponry	13
9 Mandatory Training for Stop and Searches Amongst Youth	14
10 Restrictions on the Exercising of Police Power during Public Protests	14
11 Criteria for Police to Validate Stop and Searches	15
Part 4 Sentencing and Rehabilitation	15
12 Sentencing Hate Crime	15
13 Court Intervention and Sentencing of Online Hate Crime	16
14 Annual Psychological Forensic Reports	16
15 Online Youth Forum	17



The Y NSW Youth Parliament

Hate Crime Response and Prevention Youth Act 2026

Act no. 08, 2026

An Act to

Reform, prevent, and respond to hate motivated violence amongst young people in the State of NSW, and related purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by the Youth Legislative Assembly.

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a series of loops and a final flourish.

Alyssa Pinchbeck, Youth Premier of the Y NSW Youth Parliament – Leader of the Government in the Legislative Assembly

Explanatory Note

Summary

The Hate Crime Response and Prevention Youth Bill 2026 strengthens how New South Wales prevents, responds to, and rehabilitates hate-motivated behaviour among young people. It recognises that hate crime, especially online, has become more frequent, more harmful, and more complex for young people to navigate.

This bill seeks to address these gaps by establishing a comprehensive and youth-focused approach to hate crime prevention and response in New South Wales. By strengthening prevention, response, and rehabilitation, this bill delivers the framework needed to reduce hate-motivated harm and safeguard young people across the state.

The Bill will affect; young people aged 10–17, schools, youth services, and online platforms, police, courts, and Youth Justice and communities impacted by hate-motivated behaviour. The bill will also clarify what forms of digital hate the Bill responds to, including: Prejudice-motivated speech, Hate speech or comments, Targeted abusive posts, Cyberstalking, Cyberbullying, Image-based abuse, Encouraging harassment, Insults and Threats.

Part 1 – Online Hate Offences

Part 1 of this bill focuses on online hate, recognising that digital spaces are now a major site of harm for young people. It strengthens penalties for hate-motivated offences and requires online platforms to use AI which will be supported by human oversight, to detect and remove harmful content. This ensures accountability, reduces bias, and improves safety among online platforms for NSW Youth.

This Part also introduces early intervention tools such as temporary suspensions, deplatforming, account monitoring, and limits on livestreaming or messaging. These measures aim to stop harmful behaviour before it escalates into real-world violence.

Finally, platforms and authorities must clearly define key concepts like public safety, harmful communication, freedom of expression, and radicalisation. This transparency helps young people understand their rights and responsibilities online.

Part 2 – Police Powers

Part 2 clarifies how police should exercise their powers when dealing with young people and hate-motivated behaviour. It includes three major reforms: Religious Weaponry, Stop and Search Training and Protest and Public Assembly.

Police must now not automatically treat religious items as offensive weapons. Instead, they must consider context, intent, and safety. This protects cultural and religious expression while still allowing police to act when there is a genuine risk. Police must undergo annual training developed with youth and First Nations communities. A support person must be present for any stop and search involving a young person, ensuring transparency, cultural safety, and accountability. Finally, officers must treat protests as peaceful by default and use communication and de-escalation before force. All interventions must be documented, improving oversight and public trust.

Part 3 – Sentencing and Rehabilitation

Part 3 of this bill outlines how courts should sentence young people who commit hate crimes and how rehabilitation should occur.

It ensures sentencing reflects the seriousness of hate-motivated harm, especially against First Nations, culturally diverse, and other marginalised youth. Sentences range from community-based education programs to detention for the most serious cases.

A key feature of this Part is long-term rehabilitation. All youth offenders must receive annual forensic psychological reports for at least five years. These reports track risk, distance, and whether extremist beliefs are strengthening or weakening. Young people who show limited progress may receive additional therapeutic support.

This Part also establishes an online youth rehabilitation forum, giving young offenders access to peer support, mentors, and safe spaces for identity development. Strict behavioural guidelines prevent risks such as cyberbullying, gang recruitment, or glorification of crime.

Part 4 – Data Collection and Reporting

Part 4 requires NSW enforcement agencies to collect and publish data on youth hate crime. This includes age, online platforms used, methods of offending, previous interventions, and bias indicators.

Publishing this information in a parliamentary report helps: Identify emerging trends, understand how extremist ideas spread online, improve early intervention programs and guide future policy and restrictions. This ensures NSW responds to hate crime using evidence, not assumptions.

Implementation and Impact

The Bill will be implemented through collaboration between: NSW Police, Youth Justice, online platforms, schools and youth services, Corrective Services NSW and community and cultural organisations.

Its expected impact includes: earlier identification of harmful behaviour, stronger protections for marginalised young people, more consistent police practices, clearer online safety standards, better long-term rehabilitation outcomes, reduced recidivism and extremist behaviour and increased community trust in justice processes.

Overall, the Bill aims to create a safer, more inclusive NSW where young people are protected from hate-motivated harm and supported to change their behaviour before it escalates.

Rationale

Introduction

Hate-motivated violence among young people in New South Wales is an escalating issue that demands targeted legislative action. Increasingly, young people are the offenders and victims of hate crimes driven by prejudice against identity, with young people from marginalised communities disproportionately impacted.

The consequences of hate-motivated behaviour extend beyond the physical incidents. Victims experience long-term psychological, social, and emotional harm. At a broader level, hate incidents contribute to unsafe school environments, fractured communities, and increased social division. Exposure to hate at a young age is linked to disengagement from education and community life, and can act as a predictor of future violent offending (Australian Institute of Criminology, 2022). Addressing hate at the youth level is thus a critical point of early intervention and prevention.

Current frameworks in NSW are insufficient in effectively preventing, identifying, and responding to hate-motivated behaviour among young people. Existing laws are limited in scope, poorly applied, or fail to account for how hate manifests in youth contexts, particularly through social media and peer environments. As a result, incidents go unreported or unaddressed, leaving young people without adequate protection or support.

Online Hate Offences Reform

Although the NSW Parliament has attempted reform regarding prejudiced crime through acts like the Crimes Amendment (Inciting Racial Hatred) Act 2025 (NSW), it has not been sufficient in providing adequate and equal protection for marginalised groups, particularly due to the absence of reform in regard to the rise of online hate speech and hate offences. Within legislation, some groups are not mentioned by name, and some crimes are only defined when committed against a specific marginalised group, with most online forms of hate offences left entirely undiscussed or defined. Historically, hate crime legislation in NSW has been hindered by imprecise statutory language and limited practical application, undermining its enforceability. While Section 93Z(1) of the Crimes Amendment (Inciting Racial Hatred) Act 2025 (NSW) provides some clarification by criminalising “publicly threatening or inciting violence on grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status,” it captures conduct that falls short of incitement but would still cause individuals to feel intimidated. Moreover, these provisions are particularly problematic in cases involving young offenders, as the requirement to establish intent or recklessness does not adequately account for children's evolving cognitive and moral capacities, thereby complicating the consistent achievement of justice under existing legislation. There is currently an over-marginalisation of particular cultural groups, where a consistent lack of advocacy is observed, creating a disproportionate system in which certain races or religions are subject to further hate-driven violence or abuse (Australian Human Rights Commission (2021) *Racism. It Stops With Me: National Anti-Racism Framework*). Equal protection for all cultural groups is needed as some are explicitly mentioned, while others are excluded or inconsistently recognised under existing legislation, creating gaps in the current legal protections of youth groups. Furthermore, ‘hate crime’ definitions are unclear and narrow, indicating the necessity for an encompassing definition of all aspects of hate crime, not just higher-level ones. It is further required that in the sentencing of persons, motivation should be included ([Section 93Z, Crimes Act 1900 No 40](#)). Legislation currently provides inadequate online protection, where the majority of hate crimes are witnessed through social media. Current legislation remains reactive, intervening only once an offence has occurred against an individual or group, limiting the ability of law enforcement agencies to adequately respond to harmful or hateful attitudes or behaviours before they escalate. Additional inconsistencies remain between offences and sentencing, requiring explicit clarification to permit authorities a chance to reduce motivated violence. These gaps lead to hate crimes going unaddressed, unreported, and unpunished, which leads to a community where victims are left feeling unsafe, and face severe psychological, social and mental repercussions, thus creating rifts in community social cohesion stemming from the lack of trust caused by these issues and gaps.

Police Powers

Strengthening and clarifying police powers ensures early intervention, accurate identification of hate crimes, and better protection for vulnerable young people. In NSW, police enforce hate crime provisions primarily under the Crimes Act 1900 (NSW) and Anti-Discrimination Act 1977 (NSW) in conjunction with the Law Enforcement (Powers and Responsibilities) Act 2002, which criminalise acts including: threatening violence, inciting hatred, and displaying Nazi symbols. However, these laws expose significant shortcomings in policing, as officers often rely on more narrow, and reactive provisions that require proving intent, allowing many harmful acts to go unchallenged and revealing a reticence unless thresholds are undeniably met (Australian Human Rights Commission (2019) *Police accountability: Submission to the Parliamentary Joint Committee on Law Enforcement*. Sydney: AHRC.). This has enabled extremist demonstrations and public harassment to occur with minimal intervention, suggesting police discretion is inconsistently applied and insufficiently proactive (The Guardian, 2024). Ultimately, action against police powers regarding hate crimes for NSW young people is necessary for proper advocacy and recognition of the disproportionate targeting of young people and marginalised groups. Intensive policing of young people disregards the root causes of crime in youth and increases confrontational police contact. It's important to consider the difference between over-policing and the protection of young people and the community, as stop-and-searches, that are often targeted, tend to erode trust in police, with the potential to cause trauma.

Sentencing and Rehabilitation

Rates of youth recidivism have remained at disconcerting highs, with approximately 85% of young offenders returning to supervision within 12 months (Australian Institute of Health and Welfare (2023) *Young people returning to sentenced youth justice supervision 2021–22*. Canberra: AIHW.), demonstrating a need for more legislative intervention into rehabilitation for young people. This is reflected by increases in crime motivated by prejudice against marginalised communities. These are often motivated by extremist conditioning that exploits young peoples' vulnerability, and a variety of systemic and environmental factors that remain unaddressed in sentencing and rehabilitation, thus failing to prevent the normalisation of discriminatory violence. The current framework for Youth Justice in New South Wales regards the Crimes Act 1900 (NSW), with amendments in 2025 (ss93Z–93ZAA), the youth provisions within the Children (Criminal Proceedings) Act 1987 (NSW) section 6, and the Young Offenders Act 1997 (NSW) section 7. It is undermined not by sentence length but through the absence of a structured rehabilitative system, reflected in the BOCSAR statistic of 63% of young individuals reoffending (BOCSAR, Reoffending 2026). Whilst a two-year maximum is beneficial in upholding the rule of law and a chance for young individuals to live outside the justice system, current sentencing does not mandate specifically targeted interventions. Thus, restriction from society operates without sufficient punishment and rehabilitation within sentencing for the two years to work. Rehabilitation is essential to reform attitudes and biased beliefs by exploring developmental vulnerability and growth. Tackling issues such as underlying disadvantages, such as poverty or poor health, can aid to counter negative peer influences. By enforcing accountability over retribution, we are able to reintegrate young people into our society and provide them with an education, developed expertise, and produce a positive contribution to our communities.

Reference List

Australian Institute of Criminology (2022). *Adverse childhood experiences and trauma among young people in the youth justice system young people in youth justice system.* [online] Australian Institute of Criminology. Viewed 24 Apr. 2026, <https://www.aic.gov.au/publications/tandi/tandi651>

NSW Law Reform Commission 2024, *Background note on section 93Z of the Crimes Act 1900 (NSW)*, NSW Law Reform Commission, viewed 17 April 2026, <https://lawreform.nsw.gov.au/content/dcj/law-reform-commission>

N/A, N. (2019) 14. *police accountability*, Australian Law Reform Commission. Available at: https://www.alrc.gov.au/wp-content/uploads/2019/08/fr133_14._police_accountability.htm (Accessed: 15 April 2026).

The Guardian 2026, *NSW's highest court strikes down anti-protest law introduced in wake of Bondi attack*, The Guardian, viewed 17 April 2026, <https://www.theguardian.com/australia-news/2026/apr/16/nsws>

N/A, N. (2023) *Young people returning to sentenced Youth Justice supervision 2021–22*, Australian Institute of Health and Welfare. (Accessed: 15 April 2026). Available at: *Young people returning to sentenced youth justice supervision 2021-22*

N/A, N. (2026). *Reoffending*, BOCSAR. Available at: <https://bocsar.nsw.gov.au/topic-areas/re-offending.html> (Accessed: 15 April 2026).

Australian Human Rights Commission 2025, *Explainer: New national and NSW hate crime laws*, Australian Human Rights Commission, viewed 17 April 2026,

Explainer: New national and NSW hate crime laws | Australian Human Rights Commission.
Modecki, K. and Uink, B. (2018). *Understanding delinquency during the teenage years: Developmental pathways of antisocial decision making among disadvantaged youth.* [online] Available at: <https://www.aic.gov.au/sites/default/files>.

NSW Department of Communities and Justice 2025, *New law against racial hatred*, NSW Government, viewed 17 April 2026, <https://dcj.nsw.gov.au>

NSW Law Reform Commission 2024, *Background note on section 93Z of the Crimes Act 1900 (NSW)*, NSW Law Reform Commission, viewed 17 April 2026, *Background note on section 93Z* | The NSW Law Reform Commission

The Y Youth Legislature of New South Wales enacts—

Part 1 Preliminary

1 Name of Act

This Act is the Hate Crime Response and Prevention Youth Act 2026.

2 Commencement

This Act commences on the day it receives assent.

3 Objects

The objects of this Act are to—

- (a) Reduce hate-motivated harm experienced by young people across New South Wales;
- (b) Establish a comprehensive and youth-focused approach to preventing, responding to, and rehabilitating hate-motivated behaviour;
- (c) Strengthen early intervention, online safety, and culturally safe support for young people at risk of engaging in or being harmed by hate-motivated conduct;
- (d) Improve consistency, transparency, and accountability in policing, sentencing, and digital regulation relating to youth hate crime;
- (e) Ensure that rehabilitation, education, and long-term reintegration remain central to all responses involving young offenders;
- (f) Support safer online environments by addressing emerging forms of digital hate and harmful communication

4 Definitions

In this Act—

Digital Hate means any online behaviour motivated wholly or partly by prejudice against an individual or group, including:

- (i) Prejudice-motivated speech;
- (ii) Hate speech or comments;
- (iii) Targeted abusive posts;
- (iv) Cyberstalking;
- (v) Cyberbullying;
- (vi) Image-based abuse;
- (vii) Encouraging harassment of a person or group;
- (viii) Insults;
- (ix) Threats.

Hate-Motivated Offence means any conduct where prejudice against a protected group is a motivating factor, whether online or offline.

Protected Group includes First Nations young people, culturally and linguistically diverse communities, LGBTQIA+ young people, religious minorities, people with

disability, and any other group recognised under NSW or Commonwealth anti-discrimination law.

Youth Offender means a person aged 10 to 17 years who has engaged in conduct covered by this Act or the Crimes Act 1900 (NSW).

Online Platform means any digital service, website, application, or social media platform that allows users to create, share, or interact with content.

Early Intervention Measure means any non-punitive response designed to prevent escalation of harmful behaviour, including temporary suspension, deplatforming, account monitoring, or limits on messaging or livestreaming.

Youth Justice Psychological Services means the psychological and therapeutic services operating within Youth Justice NSW responsible for assessment, intervention, and risk monitoring.

Note— The *Interpretation Act 1987* also contains definitions and other provisions that affect the interpretation of this Bill.

Part 2 Online Hate Offences

5 Online Hate and Digital Regulation

- (1) If a crime is found to be 'partly' or 'wholly' motivated by prejudice against a particular individual or group, the court should impose an additional penalty to the base offence.
 - a. A court must determine whether a person was motivated by prejudice by considering:
 - i. The motives of the crime;
 - ii. Affiliations with lobby groups and political organisations;
 - iii. Previous social media activity;
 - iv. Psychological evaluations (if available).
 - b. The penalty rate for offences includes:
 - i. Minimum penalty is community service and re-educational and sensitivity training.
 - ii. Maximum penalty must be determined by the judiciary involved in the case based on the severity of the factors in subclause (5.1.a).
- (2) All online platforms must use Artificial Intelligence (AI) to aid in detection and removal of inappropriate content. Human oversight must occur to:
 - a. Verify the decisions of AI, and;
 - b. Ensure accountability, and;
 - c. Prevent bias.
- (3) Human oversight must consist of full-time employees that attend concerns flagged by the AI.

- (4) Online platforms must use a supervised learning AI model trained to identify inappropriate content in the form of messages, images, and videos.
- (5) Early intervention commenced by Youth Justice Psychological Services of online hate created by young offenders is necessary in the forms of:
 - a. Temporary suspension, or;
 - b. Deplatforming, or;
 - c. Removal of hate content, or;
 - d. Account monitoring, or;
 - e. Limiting livestreaming or messaging features, or;
 - f. Court-ordered internet/social media restrictions in serious cases.
- (6) Authorities and platforms must clearly state in their terms and conditions what they define as:
 - a. Public safety, and;
 - b. Harmful communication, and;
 - c. Freedom of expression, and;
 - d. Radicalisation.
- (7) If an online platform does not publish in their terms and conditions, the definitions labeled in clause (5.6) a civil penalty of 25,000 units must be provided.

6 Age of Responsibility

- (1) The age of responsibility for online hate crimes shall be set at 10 years of age and above to ensure early intervention and the safety of communities.
- (2) The age of responsibility shall only be changed if:
 - a. Youth Justice Psychological Services identify a pattern of offending over a period of 6-months based on:
 - i. Observed involvement with radical groups;
 - ii. Social media activity;
 - iii. Harmful behaviour identified in school environments.
 - b. Analysis of risk deems the youth citizen dangerous.
 - c. Recommendations for prevention services are unfit for youth citizens.
- (3) Any decision regarding changes to the age of responsibility for online offences must prioritise rehabilitation, mental health support, education and long-term reintegration into society to ensure public safety.

7 Establishment of New Data Collection Report

- (1) All legal enforcement institutions must report contextual factors around online hate crime offences such as:
 - a. Age;
 - b. Engagement with specific forums or platforms;
 - c. Methodology of crime;

- d. Rehabilitative or educational measures the offenders has undergone prior to offence;
 - e. Bias indicators and previous online activity.
- (2) These surrounding factors must be collected into a report tabled in a parliamentary meeting every 6 months, revealing trends in how these extremist ideologies have been digitally spread and informing the development of early intervention programs and further restrictions on online activity.

Part 3 Police Powers

8 Police Powers in Regard to Religious Weaponry

- (1) Law enforcement parties must not treat sacred arms as offensive unless;
- a. It is displayed, carried, or brandished in a public place or environment where its presence is unreasonable, provocative, or unsafe, or;
 - b. It is used, or there is a clear and manifest intent to use it, to threaten, intimidate, or cause physical harm to another person, or;
 - c. It has been altered or modified from its traditional, ceremonial design specifically to increase its capability to cause bodily harm.
- (2) A religious weapon which has been declared as an offensive weapon may be confiscated by a police officer, unless an exemption has been declared by the Commissioner of Police.
- a. An exemption shall only be declared where;
 - i. The item is sufficiently blunted to where it is no longer a reasonable threat, and;
 - ii. The item is being used in a religious event or a religious place of worship, or;
 - iii. The item is being used in a controlled event in which police are in attendance.
- (3) Police are given discretion to confiscate or remove religious weaponry in any of the following places;
- a. Healthcare facilities, and;
 - b. Educational institutions, and;
 - c. Government or judicial buildings, and;
 - d. Public transport hubs or vehicles.
- (4) A religious weapon shall only be possessed at a high-risk public gathering only where it meets criteria under subclause 9.3.
- (5) All occurrences of police removal or confiscation of religious weaponry must be followed by a thorough documentation of the circumstances leading this removal to be necessary, including any communication made with the owner and evidence of the ultimate return of the weaponry in non violent incidents.

9 Mandatory Training for Stop and Searches Amongst Youth

- (1) All police workers involved in stop and searches must undergo mandatory training annually.
- (2) The training programs must be reviewed and updated at least every 24 months to ensure they remain current and effective.
- (3) The training must:
 - a. Ensure officers understand the threshold for suspicions and must act accordingly.
 - b. Be developed in partnership with youth and First Nation communities.
 - c. Include training on Adhesive Childhood experiences.
 - d. Include training in youth-specific de-escalation techniques.
- (4) Any stop and searches conducted on youth must have a 'support person' present
 - a. Support person must be over the age of 25 and includes:
 - i. Lawyer
 - ii. Parent or Guardian
 - iii. Youth Worker
- (5) Stop and Search on Youth citizens is only permitted if the criteria of subclause 10.3 is met.

10 Restrictions on the Exercising of Police Power during Public Protests

- (1) When engaging in a politically motivated public assembly, law enforcement officers must act under the presumption that protest is peaceful in nature as a protected civic activity until presented with reasonable evidence of violence or public disturbance.
- (2) Officers must take reasonable actions to communicate with protester organisers or de-escalate individual incidents before taking restrictive measures against any party involved.
- (3) All law enforcement officers are required to document any grounds for intervention and actions taken, giving a full recording and assessment on:
 - a. Any coercive measures such as deployment of specialist equipment, targeted removal, or dispersal taken by law officials
 - b. Any form of negotiation of communication taken prior to the action
 - c. Reasons that lower-level facilitative alternatives were deemed insufficient to handle any dispute.

11 Criteria for Police to Validate Stop and Searches

- (1) Police shall only approach young persons based upon the following criteria. A member of youth can be reasonably suspected if:
 - (a) Police have been informed beforehand that a specific member of youth is carrying a harmful weapon or object with intent to harm based on having seen it first-hand, or;
 - (b) Police have been informed beforehand that a specific member of youth is carrying a harmful weapon or object with intent to harm based on having told it was seen by another person, or;
 - (c) Police have been informed beforehand that a specific member of youth is carrying a harmful weapon or object with intent to harm based on knowledge of threats made by the suspect, or;
 - (d) The member of youth fits the description of a particular suspect the police are looking for at a particular moment
 - (e) There is a visible dangerous object or weapon being carried by a member of the youth
 - (f) There is an indication of a dangerous object or weapon being carried by a member of youth, such as an imprint in a bag/pocket.

Part 4 - Sentencing and Rehabilitation

12 Sentencing Hate Crime

- (1) All hate crimes committed by youth offenders towards protected marginalised groups such as First Nation youth groups and culturally and linguistically diverse youth communities must be sentenced accordingly based on severity.
 - (a) "Protected marginalised groups" are defined as persons of groups protected from hate-based offending based on race, religion, ethnicity, nationality, sexual orientation, gender identity, disability, or cultural background, including First Nations peoples and culturally and linguistically diverse communities.
- (2) Hate crimes may include, but are not limited to;
 - a. Acts of violence, including knife-related offenses, motivated by prejudice;
 - b. Hate speech, public incitement, threats, intimidation, harassment, or property damage;
 - c. Offences directed towards protected persons or groups on the basis of race, religion, ethnicity, nationality, sexual orientation, gender identity, disability or cultural background.
- (3) Sentencing may range from a minimum of community service and mandatory anti-discrimination education, and a supervised rehabilitation program to a maximum penalty consistent with ss93Z-93ZAA of the Crimes Act 1990 (NSW). Youth detention is imposed only where rehabilitation is ruled as insufficient by the Court.

13 Court Intervention and Sentencing of Online Hate Crime

- (1) Courts must prioritise graduated interventions before permanent exclusion from social media platforms, especially if:
 - a. The offender shows remorse, or;
 - b. Low risk of reoffending, or;
 - c. Rehabilitation appears realistic.
- (2) Youth Justice Psychological Services must alert:
 - a. Legal authorities if any of the following occurs:
 - i. Ongoing offending, or;
 - ii. Credible threats of violence or hate-motivated attacks, or;
 - iii. Serious online extremist behaviour, or;
 - iv. Risk of self-harm or suicide, or;
 - v. Abuse, or;
 - vi. Neglect, or;
 - vii. Possession or distribution of illegal material, or;
 - viii. Breaches of court orders or bail conditions, or;
 - ix. A young person is at serious risk of radicalization or exploitation.
 - b. Parental guardians of youth offenders if:
 - i. The offender is a minor, or;
 - ii. Safety monitoring is needed at home, or;
 - iii. Online access needs supervision, or;
 - iv. Treatment compliance matter, or;
 - v. A young person lacks the capacity to manage risk independently.
- (3) When reporting, Youth Justice Psychological Services must evaluate the:
 - a. Immediacy of risk, and;
 - b. Seriousness, and;
 - c. Repeated behaviour, and;
 - d. Intent, and;
 - e. Capability, and;
 - f. Likelihood of harm.
- (4) Youth Justice Psychological Services must use therapeutic intervention first when the following occurs:
 - a. Impulsive hateful language without credible threat;
 - b. Immature attempts at shock humour;
 - c. Early-stage ideological curiosity without intent to offend;
 - d. Low-level online trolling.

14 Annual Psychological Forensic Reports

- (1) Youth offenders between 10 and 17 may undergo annual psychological forensic reports to track the likelihood of recidivism, where deemed necessary by the court from the forensic psychological department of Corrective Services NSW (CSNSW).
- (2) Forensic reporting must provide a longitudinal dataset that tracks a youth offender's resistance.

- (3) Annual updates must track if an offender's extremist ideology is being reinforced or weakening.
- (4) Psychological assessments must focus on rehabilitation and community reintegration, aside from just compliance based punishment.

15 Online Youth Forum

- (1) All youth offenders must have the opportunity to participate in an online youth forum to:
 - a. Peer support, and;
 - b. Reducing isolation, and;
 - c. Skill development, and;
 - d. Access to mentors and services, and;
 - e. Positive identity information, and;
 - f. A Safe space for expression.

However, offenders deemed high risk must be mandated by the court and pose no threat to participate.

- (2) The online youth forum must be monitored by health care professionals and legal aid to ensure youth offenders have rehabilitation that is supported by specialists.
- (3) The online youth forum must outline clear behavioural guidelines to prevent risks which include:
 - a. Glorification of criminal behaviour, and;
 - b. Gang recruitment, or;
 - c. Peer pressure, or;
 - d. Cyberbullying and targeted harassment, or;
 - e. Sharing or promoting illegal activity, or;
 - f. Misinformation, or;
 - g. Retraumatisation, or;
 - h. Safety and privacy concerns, or;
 - i. Discrimination, hate speech, or violent threats.
- (4) Online youth forums must use the following enforceable moderation and safety procedures:
 - a. Presence of mental health professionals, and;
 - b. Immediate removal of any individuals deemed threatening or harmful, including organisers, and;
 - c. Mandatory reports of escalation or extremist recruitment activity, and;
 - d. Verification of identity, and;
 - e. Communication of behavioural expectations and consequences for refusing to comply.



Produced for The Y NSW Youth Parliament