



New South Wales

Crimes Amendment (Deepfake Sexual Material) Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are—

- (a) to clarify that the prohibition on producing or distributing, or threatening to produce or distribute, an intimate image applies to a deepfake intimate image, and
- (b) to prohibit producing or distributing, or threatening to produce or distribute, sexually explicit deepfake audio or sexually explicit deepfake text.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Crimes Act 1900 No 40

Schedule 1[1]–[16] amend the *Crimes Act 1900*, Part 3, Division 15C to give effect to the objects set out in the overview. **Schedule 1[17] and [18]** make consequential amendments.



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Crimes Amendment (Deepfake Sexual Material) Bill 2025

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Crimes Amendment (Deepfake Sexual Material) Bill 2025

No , 2025

A Bill for

An Act to amend the *Crimes Act 1900* to extend offences relating to the non-consensual recording or distribution of intimate images to the production or distribution of deepfake intimate images and sexually explicit deepfake audio or text.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Crimes Amendment (Deepfake Sexual Material) Act 2025</i> .	3
2 Commencement	4
This Act commences on the earlier of the following—	5
(a) the day that is 6 months after the date of assent to this Act,	6
(b) a day to be appointed by proclamation.	7

Schedule 1 Amendment of Crimes Act 1900 No 40

[1] Part 3 Offences against the person

Omit Division 15C, heading. Insert instead—

Division 15C Producing and distributing intimate material

[2] Section 91N Definitions

Insert “, listening” after “viewing” in section 91N(1), definition of *distribute*, paragraph (b).

[3] Section 91N(1)

Omit the definitions of *image* and *record*.

Insert in alphabetical order—

image means a still or moving image, whether or not altered, that includes or appears to include all or part of a person, and includes an image that has been digitally created by—

- (a) generating the image, or
- (b) altering or manipulating the image or another image.

intimate material means each of the following—

- (a) an intimate image,
- (b) sexually explicit deepfake audio,
- (c) sexually explicit deepfake text.

produce intimate material means record, take, capture or make the intimate material by any means, including by digitally creating the intimate material by—

- (a) generating the intimate material, or
- (b) altering or manipulating the intimate material or other intimate material.

sexually explicit deepfake audio means audio in relation to which the following paragraphs are satisfied—

- (a) the audio contains material that explicitly represents or describes conduct of a sexual nature,
- (b) the audio has been created or altered to sound as if the material referred to in paragraph (a) were actually spoken by a person who did not in fact speak the material (the *first person*),
- (c) a reasonable person would consider the material referred to in paragraph (a) sounds, or was intended to sound, as if the material were actually spoken by the first person.

sexually explicit deepfake text means written material in relation to which the following paragraphs are satisfied—

- (a) the material represents or describes conduct of a sexual nature,
- (b) the material has been created or altered to read as if the material representing or describing conduct of a sexual nature were actually written by a person who did not in fact write the material (the *first person*),
- (c) a reasonable person would consider the material reads, or was intended to read, as if the material were actually written by the first person.

[4] Sections 91N(2), 91O(4)–(6) and 91R(4)	1
Omit “an image” wherever occurring. Insert instead “intimate material”.	2
[5] Sections 91N(2), 91O(6), 91R(4) and 91T(1)(d)	3
Omit “the image” wherever occurring. Insert instead “the intimate material”.	4
[6] Sections 91O, heading, 91Q, heading and 91S(1) and (1A)	5
Omit “image” wherever occurring. Insert instead “material”.	6
[7] Sections 91O and 91P(1)(b)	7
Omit “recording” wherever occurring. Insert instead “production”.	8
[8] Sections 91O, 91P(1), 91Q(1) and 91R(1) and (2)	9
Omit “an intimate image” wherever occurring. Insert instead “intimate material”.	10
[9] Section 91O(2) and (3)	11
Omit “the intimate image” wherever occurring. Insert instead “the intimate material”.	12
[10] Section 91O(4) and (5)	13
Omit “that image or any other image” wherever occurring.	14
Insert instead “the intimate material or other intimate material”.	15
[11] Section 91P, heading	16
Omit “Record intimate image”. Insert instead “Produce intimate material”.	17
[12] Section 91P(1)	18
Omit “records”. Insert instead “produces”.	19
[13] Section 91R, heading	20
Omit the heading. Insert instead—	21
91R Threaten to produce or distribute intimate material	22
[14] Section 91R(1)	23
Omit “record”. Insert instead “produce”.	24
[15] Sections 91S(1) and 91T(1)(d)(ii)	25
Omit “recorded” wherever occurring. Insert instead “produced”.	26
[16] Section 91T(1)(d)(iii)–(v)	27
Omit “depicted” wherever occurring. Insert instead “represented”.	28
[17] Section 428B Offences of specific intent to which Part applies	29
Omit “record intimate image” from the Table, paragraph (b).	30
Insert instead “produce intimate material”.	31

[18]	Section 428B, Table, paragraph (b)	1
	Omit “distribute intimate image”. Insert instead “distribute intimate material”.	2