



New South Wales

Crimes Amendment (Intimate Image and Audio Material) Bill 2025

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Crimes Act 1900* in relation to sexually explicit material that is created or generated by artificial intelligence or other digital means without the consent of the person whom the image or audio is meant to represent, known as ‘deepfake’ material. The proposed amendments include—

- (a) amendments to offences that provide for non-consensual recording and distribution of intimate images to include digitally generated intimate images and sexually explicit audio material (*intimate image and audio material*), and
- (b) the creation of new offences for the alteration of images and audio to be intimate images and audio material, and relating to the production of wholly digitally generated sexually explicit intimate images and audio material.

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[13] inserts proposed section 91PA, which makes it an offence for a person to—

- (a) alter images or audio of another person without the other person’s consent so that the image or audio is intimate image or audio material, or

- (b) create intimate image or audio material of a simulated person without the consent of the real person whom the image or audio is meant to represent.

A maximum penalty of 100 penalty units or imprisonment for 3 years, or both, applies to the offence. The prosecution of a person under 16 years of age for an offence under the proposed section must not be commenced without the approval of the Director of Public Prosecutions.

Schedule 1[18] makes it an offence for a person to threaten to—

- (a) alter images or audio of another person without the other person's consent so that the image or audio is intimate image or audio material, or
- (b) create intimate image or audio material of a simulated person without the consent of the real person whom the image or audio is meant to represent.

A maximum penalty of 100 penalty units or imprisonment for 3 years, or both, applies to the offence.

Schedule 1[2] inserts definitions of terms used in the offences inserted by Schedule 1[13] and [18].

Schedule 1[1], [3]–[12], [14]–[17], [19]–[27] and [29] make amendments consequent on Schedule 1[13] and [18].

Schedule 1[28] inserts proposed section 91U, which requires that the Minister review the amendments made by the proposed Act to determine whether—

- (a) the policy objectives remain valid, and
- (b) the terms remain appropriate for achieving the objectives.

Schedule 2 Amendment of other legislation

Schedule 2 makes consequential amendments to other legislation.



New South Wales

Crimes Amendment (Intimate Image and Audio 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 (Intimate Image and Audio Material) Bill 2025

No. _____, 2025

A Bill for

An Act to amend the *Crimes Act 1900* to provide for offences for non-consensual distribution of digitally generated intimate image material; to provide for offences for non-consensual recording and distribution of sexually explicit audio material; to create new offences for the alteration of images and audio to be intimate image and audio material; and to provide for offences relating to the production of wholly digitally generated sexually explicit intimate image and audio material.

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 *Crimes Amendment (Intimate Image and Audio Material) Act 2025*.

3

2 Commencement

4

This Act commences on a day or days to be appointed by proclamation.

5

Schedule 1	Amendment of Crimes Act 1900 No 40	1
[1] Part 3, Division 15C, heading		2
	Omit “intimate images”. Insert instead “intimate image or audio material”.	3
[2] Section 91N Definitions		4
	Omit section 91N(1), definition of <i>intimate image</i> . Insert in alphabetical order—	5
	<i>digitally generated</i> , in relation to images or audio, includes images or audio created by generative artificial intelligence.	6 7
	<i>intimate audio material</i> means any of the following audio in circumstances in which a reasonable person would reasonably expect to be afforded privacy—	8 9
	(a) audio of a person that is sexual in nature or relates to engagement in a private act,	10 11
	(b) audio of a person that has been altered to contain material that is sexual in nature or relates to engagement in a private act,	12 13
	(c) audio of a simulated person that is sexual in nature or relates to engagement in a private act.	14 15
	<i>intimate image material</i> means any of the following images in circumstances in which a reasonable person would reasonably expect to be afforded privacy—	16 17 18
	(a) an image of a person’s private parts or of a person engaged in a private act,	19 20
	(b) an image that has been altered to appear to show a person’s private parts or a person engaged in a private act,	21 22
	(c) an image of a simulated person’s private parts or of a simulated person engaged in a private act.	23 24
	<i>intimate image or audio material</i> means—	25
	(a) intimate image material, or	26
	(b) intimate audio material.	27
	<i>simulated person</i> means a person depicted in a digitally generated image or in digitally generated audio that either—	28 29
	(a) expressly purports to be a genuine depiction of an identifiable real person, or	30 31
	(b) so closely resembles an identifiable real person that a reasonable person who knew the real person would consider the image or audio to be a genuine depiction of the real person.	32 33 34
[3] Section 91N(1), definition of “record” and (2)		35
	Insert “or audio” after “image” wherever occurring.	36
[4] Section 91O, heading		37
	Insert “or audio material” after “intimate image”.	38
[5] Section 91O(2), (3), (7) and (8)		39
	Omit “an intimate image” wherever occurring.	40
	Insert instead “intimate image or audio material”.	41

[6] Section 91O(2) and (3)	1
Omit “the intimate image” wherever occurring.	2
Insert instead “the intimate image or audio material”.	3
[7] Section 91O(4)–(6)	4
Omit “an image” wherever occurring. Insert instead “intimate image or audio material”.	5
[8] Section 91O(4) and (5)	6
Omit “that image” wherever occurring.	7
Insert instead “the intimate image or audio material”.	8
[9] Section 91O(4) and (5)	9
Omit “other image” wherever occurring.	10
Insert instead “other intimate image or audio material”.	11
[10] Section 91O(6)	12
Omit “the image”. Insert instead “the intimate image or audio material”.	13
[11] Section 91P, heading	14
Insert “or audio material” after “intimate image”.	15
[12] Section 91P(1)	16
Omit “an intimate image”. Insert instead “intimate image or audio material”.	17
[13] Section 91PA	18
Insert after section 91P—	19
91PA Altering images or audio or using simulated person to create intimate image or audio material	20
	21
(1) A person who intentionally does any of the following is guilty of an offence—	22
(a) alters an image or audio of another person so that the image or audio is intimate image or audio material—	23
(i) without the other person’s consent, and	24
(ii) knowing the other person did not consent to the alteration or being reckless about whether the other person consented to the alteration,	25
(b) creates intimate image or audio material of a simulated person—	26
(i) without the consent of the real person whom the image or audio is meant to represent, and	27
(ii) knowing the real person did not consent to the creation or being reckless about whether the real person consented to the creation.	28
Maximum penalty—100 penalty units or imprisonment for 3 years, or both.	29
(2) A prosecution of a person under the age of 16 years for an offence against this section must not be commenced without the approval of the Director of Public Prosecutions.	30
	31
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	33
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	36
	37
[14] Section 91Q, heading	38
Insert “or audio material” after “intimate image”.	39

[15] Section 91Q(1)	1
Omit “an intimate image”. Insert instead “intimate image or audio material”.	2
[16] Section 91R, heading	3
Insert “or audio material” after “intimate image”.	4
[17] Section 91R(1) and (2)	5
Omit “an intimate image” wherever occurring.	6
Insert instead “intimate image or audio material”.	7
[18] Section 91R(1A)	8
Insert after section 91R(1)—	9
(1A) A person is guilty of an offence if the person threatens to—	10
(a) alter an image or audio of another person so that the image or audio is intimate image or audio material—	11
(i) without the other person’s consent, and	12
(ii) intending to cause the other person to fear the threat will be carried out, or	13
(b) create intimate image or audio material of a simulated person—	14
(i) without the consent of the real person whom the image or audio is meant to represent, and	15
(ii) intending to cause the real person to fear the threat will be carried out.	16
Maximum penalty—100 penalty units or imprisonment for 3 years, or both.	17
[19] Section 91R(4)	18
Omit “an image”. Insert instead “intimate image or audio material”.	19
[20] Section 91R(4)	20
Omit “the image”. Insert instead “the intimate image or audio material”.	21
[21] Section 91S Court may order rectification	22
Insert “, 91PA” after “91P” in section 91S(1).	23
[22] Section 91S(1) and (1A)	24
Insert “or audio material” after “intimate image” wherever occurring.	25
[23] Section 91S(1)	26
Insert “, created, altered” after “recorded”.	27
[24] Section 91T Exceptions	28
Insert “, 91PA” after “91P” in section 91T(1).	29
[25] Section 91T(1)(d)	30
Omit “image” wherever occurring. Insert instead “intimate image or audio material”.	31
[26] Section 91T(1)(d)(ii)	32
Insert “, created, altered” after “recorded”.	33

[27]	Section 91T(1)(d)(iii)–(v)	1
	Insert “or heard” after “depicted” wherever occurring.	2
[28]	Section 91U	3
	Insert after section 91T—	4
91U	Review of amendments made by Crimes Amendment (Intimate Image and Audio Material) Act 2025	5
		6
	(1) The Minister must review the amendments made by the <i>Crimes Amendment (Intimate Image and Audio Material) Act 2025</i> (the amendment Act) to determine whether—	7
		8
		9
	(a) the policy objectives of the amendments remain valid, and	10
	(b) the terms of the amendments remain appropriate for achieving the objectives.	11
		12
	(2) The review must be undertaken as soon as possible after the period of 12 months from the commencement of the amendment Act, Schedule 1[2].	13
		14
	(3) A report on the outcome of the review must be tabled in each House of Parliament within 18 months after the commencement of the amendment Act, Schedule 1[2].	15
		16
		17
[29]	Section 428B Offences of specific intent to which Part applies	18
	Omit the matter relating to 91P and 91Q from the Table, paragraph (b). Insert instead—	19
	91P	(intentionally record intimate image or audio material)
	91PA	(intentionally alter images or audio or using simulated person to create intimate image or audio material)
	91Q	(intentionally distribute intimate image or audio material)

Schedule 2	Amendment of other legislation	1
2.1	Child Protection (Working with Children) Act 2012 No 51	2
	Schedule 1 Assessment requirement triggers	3
	Omit “section 91P, 91Q or 91R(1) or (2)” from clause 1(4)(d).	4
	Insert instead “section 91P, 91PA, 91Q or 91R(1), (1A) or (2)”.	5
2.2	Crimes (Domestic and Personal Violence) Act 2007 No 80	6
	Section 4 Meaning of “personal violence offence”	7
	Insert “, 91PA” after “91P” in section 4(a).	8
2.3	Crimes (Sentencing Procedure) Act 1999 No 92	9
	Section 27 Application of Division	10
	Insert “, 91PA” after “91P” wherever occurring in section 27(2)(e), (4)(e) and (4A)(a).	11
2.4	Criminal Procedure Act 1986 No 209	12
[1]	Section 3 Definitions	13
	Insert “, 91PA” after “91P” in section 3(1), definition of <i>prescribed sexual offence</i> , paragraph (a).	14 15
[2]	Schedule 1 Indictable offences triable summarily	16
	Insert “, 91PA(1)” after “91P” in Table 2, Part 1, item 1.	17
2.5	Criminal Records Regulation 2019	18
	Clause 4 Prescribed sexual offences	19
	Insert “, 91PA” after “91P” in clause 4(1)(a).	20
2.6	National Disability Insurance Scheme (Worker Checks) Regulation 2020	21 22
	Schedule 2 Presumptively disqualifying offences	23
	Insert “, 91PA” after “91P” in Part 2, item 2.	24