

# DRAFT FOR CONSULTATION

## Deepfake Digital Harm and Exploitation Bill

Member's Bill

### Explanatory note

#### General policy statement

Worldwide there has been a rise in the proliferation of sexually explicit deepfakes. This is where images or videos are digitally altered or synthesised to take an individual's recognisable likeness and turn it into sexually explicit material.

This form of material constitutes a clear violation of self-ownership and personal autonomy. Just as the unauthorised sharing of genuine intimate imagery is a rights infringement, so too is the false representation of a person in intimate contexts without consent. This conduct misappropriates a person's image for exploitative purposes, causing reputational, psychological, and often material harm. Criminalising such acts and enabling victims to seek redress and removal aligns with a commitment to defending individuals from coercion, fraud, and aggression.

This Bill holds accountable those who use digital tools to violate other individuals' agency. It does this by amending both the Crimes Act 1961 and the Harmful Digital Communications Act 2015 to expand the definition of an "intimate visual recording" to explicitly include images created, synthesised, or altered to show a person's likeness produced without consent.

This Bill is an omnibus Bill introduced under Standing Order 267(a).

#### Clause by clause analysis

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause and provides for the Bill to come into force on the day after Royal assent.

*Part 1* amends the Crimes Act 1961 to extend the definition of intimate visual recording to include images that are created, synthesised, or altered to appear to be intimate visual images. This extension will mean that the provisions relating to intimate visual images (sections 216H to 216N) will apply to created images.

*Part 2* amends the Harmful Digital Communications Act 2015 to extend the definition of intimate visual recording in that Act to include images that are created, synthesised, or altered to appear to be intimate visual images. This extension will mean that the offence in section 22A of the Act will apply to created images.

*Laura McClure*

# **Deepfake Digital Harm and Exploitation Bill**

Member's Bill

## **Contents**

		Page
1	Title	1
2	Commencement	1
<b>Part 1</b>		
<b>Amendments to Crimes Act 1961</b>		
3	Principal Act	1
4	Section 216G amended (Intimate visual recording defined)	2
<b>Part 2</b>		
<b>Amendments to Harmful Digital Communications Act 2015</b>		
5	Principal Act	2
6	Section 4 amended (Interpretation)	2

**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Deepfake Digital Harm and Exploitation Act **2025**.
- 2 Commencement**  
This Act comes into force on the day after Royal assent.

## **Part 1**

### **Amendments to Crimes Act 1961**

- 3 Principal Act**  
This Part amends the Crimes Act 1961.

**4 Section 216G amended (Intimate visual recording defined)**

(1) After section 216G(1), insert:

(1A) In sections 216H to 216N, intimate visual recording includes a visual recording that has been created, synthesised, or altered without the knowledge or consent of the person who is the subject of the recording, and appears to show the person—

- (a) naked or with their genitals, pubic area, buttocks, or female breasts exposed, partially exposed, or clad solely in undergarments; or
- (b) engaged in an intimate sexual activity; or
- (c) engaged in showering, toileting, or other personal bodily activity that involves dressing or undressing.

(2) After section 216G(2), insert:

(4) In this section and section 216N, **subject**, in relation to an intimate visual recording, means an individual who is, or appears to be, featured or depicted in the recording.

**Part 2****Amendments to Harmful Digital Communications Act 2015****5 Principal Act**

This Part amends the Harmful Digital Communications Act 2015.

**6 Section 4 amended (Interpretation)**

(1) In section 4, definition of **intimate visual recording**, after paragraph (a) insert:

(ab) includes a visual recording that has been created, synthesised, or altered without the knowledge or consent of the person who is the subject of the recording, and appears to show the person—

- (i) naked or with their genitals, pubic area, buttocks, or female breasts exposed, partially exposed, or clad solely in undergarments; or
- (ii) engaged in an intimate sexual activity; or
- (iii) engaged in showering, toileting, or other personal bodily activity that involves dressing or undressing.

(2) In section 4, insert in its appropriate alphabetical order:

**subject**, in relation to an intimate visual recording, means an individual who is, or appears to be, featured or depicted in the recording