

Criminal Code (Non-consensual Creation of Intimate Images and Audio Material) Amendment Bill 2026

Explanatory Notes

Short title

The short title of the Bill is the Criminal Code (Non-consensual Creation of Intimate Images and Audio Material) Amendment Bill 2026 (the Bill).

Policy objectives and the reasons for them

Advancements in technology, particularly artificial intelligence (AI), have enabled the creation of hyper-realistic images, videos and audio material, commonly referred to as ‘deepfakes’, which can closely resemble or be virtually indistinguishable from genuine content. Whilst these technologies can have legitimate and beneficial applications, their increasing accessibility and sophistication have amplified their misuse, particularly in relation to the non-consensual creation of sexualised material and other forms of technology-enabled sexual abuse.

The creation of non-consensual sexualised deepfakes can cause significant harm to affected individuals. Victims may experience emotional and psychological distress, including anxiety, humiliation, shame, loss of trust and damage to personal relationships. The knowledge that fabricated intimate material depicting them exists and may be viewed or potentially shared by others can have long-lasting impacts on an individual's sense of privacy, dignity, and autonomy.

If a fabricated intimate image is disseminated, a victim may also suffer reputational, professional and financial harm as the image may impact the victim’s credibility or standing within the community, affect employment opportunities and damage relationships. Once disseminated online, such content can be difficult to remove entirely, resulting in ongoing harm and repeated victimisation. Therefore, the mere existence of a fabricated intimate image can cause significant distress to a victim, because once created, there is a persistent risk of its unlawful or improper use, resulting in ongoing apprehension.

In 2024, Australia’s eSafety Commissioner identified that sexually explicit deepfakes increased on the internet by 550% between 2019 and 2023 and pornographic videos made up 98% of deepfake material. Additionally, the eSafety Commissioner noted that 99% of that imagery was of women and girls, highlighting the gendered nature of this abuse. In 2025, the eSafety Commissioner further identified that at least one incident of image-based abuse took place in Australian schools each week. The widespread nature of this behaviour reflects its increasing normalisation within the community,

despite its harmful impacts. This underscores the need for a clear legislative response that condemns and denounces such conduct.

The objectives of the Bill are to strengthen the criminal justice response to intimate material related offending, ensure Queensland laws keep pace with rapidly evolving technology, and enhance protections for victims.

Achievement of policy objectives

The Bill will achieve its policy objectives by amending the Criminal Code, *Disability Services Act 2006* (DS Act), *Penalties and Sentences Act 1992* (PS Act), *Police Powers and Responsibilities Act 2000* (PPR Act) and *Working with Children Check Act 2000* (WWCC Act).

New offence for the creation of an intimate image or intimate audio material

The Bill amends the Criminal Code to introduce a new offence which criminalises the non-consensual creation of an intimate image or intimate audio material. A person who engages in such conduct will commit a misdemeanour punishable by a maximum penalty of 3 years imprisonment.

While the Criminal Code contains several offences targeting image-based abuse and invasions of privacy, these offences are primarily directed at the observation, recording, distribution or threatened distribution of such material (for example, see sections 223, 227A, 227B, and 229A). These offences do not adequately recognise or criminalise the distinct harm caused by the non-consensual creation of an intimate image or intimate audio material. The new offence strengthens the current legislative framework to ensure perpetrators are held to account.

The offence is intended to capture the use of digital technologies, including technologies that alter existing images or audio, or generate new intimate images or intimate audio material. For example, a person may be liable for this offence if they utilise photo editing software to alter an existing image, or direct AI software to generate an intimate image or intimate audio material.

Whilst this offence does not prohibit the consensual creation of intimate images or intimate audio material, any consent must be freely and voluntarily agreed by a person with the necessary cognitive capacity to do so. A child under the age of 16 years is incapable of providing such consent.

It is a defence to a charge against the new offence if the defendant can prove they engaged in the conduct for genuine artistic, educational, legal, medical, scientific or public benefit purposes and the conduct was reasonable for that purpose in the circumstances.

Additionally, acknowledging the important role digital technologies can play in supporting law enforcement operations, the Bill provides that a law enforcement officer is not criminally responsible for creating an intimate image or intimate audio material in relation to this offence, if the officer was acting in the course of their duties and the conduct was reasonable in the circumstances. For example, a police officer will not

commit an offence by using digital technology to alter or generate an intimate image if the creation of the content was reasonably necessary for the conduct of a lawful police operation targeting child sex offenders.

Similarly, the Bill exempts a person from criminal responsibility for non-consensually creating an intimate image or intimate audio material of another person who is in lawful custody or subject to a supervision order if the person is, at the time of the offence, acting in the course of the person's duties in relation to the other person's lawful custody, and the person's conduct is reasonable, in the circumstances, for that purpose.

Redefining an 'intimate image' and introducing a new definition for 'intimate audio material'

For the purposes of chapter 22 of the Criminal Code, an *intimate image* of a person is currently defined to mean a moving or still image depicting: the person engaged in an intimate sexual activity that is not ordinarily done in public; the person's genital or anal region (or those areas covered only by underwear); or, for a female or transgender or intersex person who identifies as female, the person's bare breasts.

This definition also includes images that have been altered or appear to depict those things, and images in which those things have been digitally obscured, but the person is nonetheless depicted in a sexual way.

However, the existing definition does not adequately capture sexually explicit audio material which is not contained within a video. While the existing definition captures depictions, including altered or obscured images, it does not clearly deal with non-genuine material (such as artificially generated audio or images) which could be mistaken for a genuine image or audio of an identifiable real person.

Regardless of the medium or method, the non-consensual, realistic sexualised depiction of a person is a form of abuse that can be objectifying, dehumanising and profoundly harmful.

To recognise the harm of this behaviour, the Bill amends the definition of *intimate image* to modernise and clarify its application. This definition is intended to exclude material that is so clearly fictitious, that no reasonable person could believe it to be a genuine image of a real person, such as a cartoon image. To this end, the definition provides that an image that is not genuine may nevertheless be taken to be an intimate image of a person, where the image could reasonably be mistaken for a genuine image, and the person can be identified either because of the way the image is presented or because the image so closely resembles the person.

The Bill does not define the word *genuine*, which retains its ordinary meaning and may also be understood as 'real' or 'authentic'.

For the purposes of the definition, it is irrelevant whether the image includes any indication that it has been altered or generated using digital technology or contains some stylised or otherwise obviously artificial elements.

The Bill also introduces a new definition for *intimate audio material* to ensure that audio-only material is captured by the new offence in section 224, as well as the existing offences in sections 223 and 229A of the Criminal Code relating to the distribution of, or threats to distribute, intimate material.

Criminalising threats to create an intimate image or intimate audio material

It is currently an offence under section 229A of the Criminal Code to threaten to distribute an intimate image or prohibited visual recording of another person without their consent, where the threat would reasonably cause the person distress and fear of the threat being carried out. However, this offence does not presently capture threats to create intimate image-related material.

Given the capacity of AI technologies to generate hyper-realistic sexualised material, a threat to create such material without a person's consent may cause significant harm to a victim. Even where no material has been created or distributed, the threat may give rise to fear, anxiety, and a profound sense of violation of the person's privacy and autonomy. Such threats may also be used as a means of coercion, intimidation or ongoing abuse.

Acknowledging these harms, the Bill broadens protections for victims by amending section 229A of the Criminal Code to criminalise a threat to create an intimate image or intimate audio material, as well as a threat to distribute intimate audio material..

Rectification orders

Under section 229AA of the Criminal Code, a court may order a person convicted of an intimate material or prohibited recording offence (an offence against section 223(1), 227A(1) or (2), 227B(1) or 229A(1) or (2) of the Criminal Code), to take reasonable action to remove, retract, recover, delete or destroy an intimate image or prohibited visual recording involved in the offence within a stated period.

However, this provision only empowers courts to issue a rectification order upon conviction of the offence, providing no avenue in the interim to require the offending material to be removed or taken down if, for example, it has been posted online. Criminal proceedings can be protracted, and throughout this period the victim may continue to experience harm or distress. For example, an intimate image may remain accessible online and continue to be viewed, shared or redistributed, exacerbating the harm suffered by the victim.

This Bill amends the rectification order framework to strengthen protections and enhance remedies available to victims. This is achieved by enabling an interlocutory rectification order to be made, on application by the Crown, against a person charged with an intimate material or prohibited recording offence (referred to as a prescribed offence in the Bill and expanded beyond its existing scope to include the new offence in section 224 of the Criminal Code) in relation to any images, audio material or visual recordings relevant to the charge. This provides an avenue to seek immediate relief for victims and minimise the risk of revictimisation due to offending material being further redistributed or accessed.

The Bill also provides that a court may make a rectification order on its own initiative or on application by the Crown if a person is convicted of a prescribed offence or if the proceedings end for any other reason.

A court may only make a rectification order if satisfied that it is desirable to make the order having regard to any similar legal obligation relating to the offending material, the person's capacity to take the action required, and the collection or preservation of evidence for any proceeding for an offence.

To appropriately balance any prejudicial impact of an interlocutory rectification order on a defendant in the criminal proceeding with the rights of the victim, the Bill provides that evidence that a rectification order was made, or any evidence relating to the person's compliance with the order is inadmissible in any proceeding other than a proceeding regarding the person's failure to comply with the order.

Acknowledging that proceedings relating to the offending material may occur concurrently with an application for a rectification order, the Bill clarifies that rectification order proceedings are civil in nature and do not constitute criminal proceedings. Accordingly, any question of fact relevant to the making of a rectification order is to be determined on the balance of probabilities, rather than the criminal standard of proof beyond a reasonable doubt.

A person who fails to comply with an interlocutory rectification order commits a misdemeanour punishable by a maximum of 2 years imprisonment.

Non-contact orders to protect victims

This Bill strengthens protections for victims by amending section 43B of the PS Act to ensure a court may issue a non-contact order against an offender upon conviction for a personal offence, also known as an intimate material or prohibited visual recording offence (offences committed against sections 223(1), 227A(1) or (2), 227B(1), 229A(1) or (2), or the proposed new offence in section 224(1) of the Criminal Code).

These amendments will make clear a non-contact order can be made against an adult offender for an intimate material or prohibited visual recording offence, prohibiting the offender from contacting the victim or their associate, or restricting the offender's access to specified places, or both, for a period of up to five years.

Other amendments

The Bill makes amendments to section 154A of the PPR Act to extend existing powers relating to the inspection of digital devices so that they apply to the new offence regarding the non-consensual creation of intimate images or intimate audio material.

This amendment will enable a judicial officer to make an order requiring a person to assist a police officer to gain access to a device or allow a police officer to undertake related actions such as examining device information, if there are reasonable grounds for suspecting that information from the device may be evidence of an offence against the new section 224 of the Criminal Code.

The Bill also amends the DS Act and WWCC Act to prescribe the new offence of non-consensually creating an intimate image or intimate audio material (section 224 of the Criminal Code) as a *serious offence* under each screening system in certain circumstances. A person with a conviction for a serious offence is presumed to pose a risk and is unable to obtain a clearance unless they can demonstrate exceptional circumstances.

With respect to a Working with Children Check, the offence will be treated as serious if the offence is committed in relation to a child, and for the purposes of a disability worker screening check, if the offence is committed in relation to a child or vulnerable person. This is consistent with the offence for distributing an intimate image or intimate audio material which is also classified as a *serious offence* in these circumstances.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives other than by legislative amendment.

Estimated cost for government implementation

The Bill is not anticipated to present significant additional administrative or capital costs for the Queensland Government. Any implementation costs will be met within existing agency resources.

Consistency with fundamental legislative principles

The Bill has been drafted having regard to the fundamental legislative principles (FLPs) in the *Legislative Standards Act 1992* (LS Act). In particular, consideration was given to whether the Bill has sufficient regard to the rights and liberties of individuals (section 4(3) of the LS Act). The Bill is generally consistent with FLPs, however, potential departures are addressed below.

New offence provisions

The Bill criminalises the non-consensual creation of intimate images and intimate audio material and threats to create this material. These offences may limit individual freedoms by creating additional criminal liability and penalties which include incarceration, interfering with the freedom of movement and the right to liberty and security of person.

The maximum penalty for these offences is 3 years imprisonment. This penalty is considered appropriate and proportionate, having regard to the seriousness of the offending conduct, the harm that may result from the prohibited behaviour and the policy objective of denouncing the behaviour. The penalty is also consistent with other intimate material and prohibited visual recording offences.

In relation to the new offence of non-consensually creating an intimate image or intimate audio material, it is a defence if the defendant can prove creation of the material was for a genuine artistic, educational, legal, medical, scientific or public benefit

purpose and the conduct was reasonable in all the circumstances. This defence reverses the onus of proof and places the legal burden on the defendant to prove, on the balance of probabilities, that the defence applies. This is necessary as the defendant is best placed to establish evidence of the purpose of their conduct and is similar to defences contained within analogous sections 223 and 228E of the Criminal Code.

A person is also exempt from criminal responsibility in relation to a charge against new section 224 if, at the time of the offence, the person was a law enforcement officer or a correctional officer (or person exercising comparable duties) acting in the course of their duties, and their conduct was reasonable in all the circumstances.

The offence provisions are drafted clearly to define the prohibited behaviour, apply prospectively and utilise relevant procedural safeguards, consistent with the principles of natural justice. Any limitation on individual rights is considered reasonable and proportionate to achieving the Bill's objectives.

Expanded availability of rectification orders

The Bill extends the court's powers to make a rectification order, which allow a court to require a person to take reasonable action to remove, retract, recover, delete or destroy an intimate image, intimate audio material or prohibited visual recording. The Bill enables an order to be made against a person prior to their conviction for the relevant offence.

This may interfere with the person's right to natural justice, as it may be perceived to presuppose the person's guilt. However, the provision makes clear a proceeding about making an interlocutory rectification order is not a criminal proceeding. Importantly, the Bill provides that evidence that a rectification order was made, or evidence that a person complied, or did not comply, with a rectification order, is not admissible in any proceeding other than for an offence of failing to comply with the order. Additionally, prior to making the order, the court must consider, amongst other things, the person's capacity to take the required action.

These powers, balanced by the safeguards outlined, are necessary and appropriate acknowledging the ongoing and potentially escalating harm which may be caused to a victim if the offending image or audio is not removed or deleted as soon as possible. The existing maximum penalty in section 229AA of the Criminal Code of 2 years imprisonment for failing to comply with a rectification order will apply to interlocutory rectification orders and is considered proportionate and reasonable.

Other amendments

The Bill amends the PPR Act to include the new offence for the non-consensual creation of intimate images or intimate audio material in the existing scheme which enables judicial orders for access to digital devices.

This may infringe upon the rights and liberties of individuals because it allows orders in relation to the new offence which require a person to give police officers access information to a device which may contain personal information. Safeguards operate within the existing scheme to ensure an order is made only where the judicial officer is

satisfied there are reasonable grounds for suspecting that device information may be evidence of the offence. The amendments are therefore considered proportionate and reasonable in the interests of ensuring the offence can be investigated and prosecuted.

The amendments to the WWCC Act and the DS Act may infringe upon the rights and liberties of individuals because, by listing the new offence as a serious offence in certain circumstances, it may prevent a person from undertaking certain employment or activities.

The amendments are reasonable, noting that an affected person may still make submissions to establish exceptional circumstances and obtain a clearance, and are justified having regard to the fundamental need to protect children and vulnerable people.

Consultation

Extensive consultation has been undertaken in develop of the Bill. Initial consultation was undertaken during policy development with a range of non-government stakeholders (including sexual violence, domestic and family violence and victim support service stakeholders, and online safety, legal and education stakeholders) and relevant agencies.

Further consultation to inform technical aspects of the Bill was undertaken with targeted stakeholders.

Feedback received during the consultation process was taken into account in finalising the Bill.

Consistency with legislation of other jurisdictions

The amendments are specific to the legislative framework of the State of Queensland, however consideration was given to analogous frameworks in other jurisdictions.

Notes on provisions

Part 1 Preliminary

Clause 1 provides that, when enacted, the Act may be cited as the *Criminal Code (Non-consensual Creation of Intimate Images and Audio Material) Amendment Act 2026*.

Clause 2 provides that the Act is to commence 28 days after the date of assent.

Part 2 Amendment of the Criminal Code

Clause 3 states that this part amends the Criminal Code.

Clause 4 amends section 1 (Definitions) to insert new definitions for *digital technology* and *intimate audio material* and amends the definition of *intimate image*.

The new definitions in this section for *digital technology* and *intimate audio material* identify their meanings are provided in part 4, chapter 22, section 207A and 208(1), respectively.

Subclause (2) amends the definition for *intimate image* in section 1 to update the reference to ‘section 207A’ with reference to new ‘section 209(1)’.

Clause 5 amends section 207A (Definitions for this chapter).

Subclause (1) omits the definition for *intimate image* from section 207A.

Subclause (2) inserts a definition for *digital technology*, which means any electronic device or software that is capable of altering or generating an image, video or sound. A legislative example is provided to identify this may include a computer, photo editing software, or artificial intelligence.

This subclause also introduces the definitions of *intimate audio material* and *intimate image* and provides that their meanings are set out in sections 208(1) and 209(1), respectively.

Subclause (3) amends the definition of *visually record* to remove ‘record’ and insert ‘capture, record’.

The effect of the amendment is to insert ‘capture’ into the definition of *visually record*.

Clause 6 inserts new section 208 (Meaning of *intimate audio material*) and new section 209 (Meaning of *intimate image*) into the Criminal Code.

New subsection (1) inserts a definition of *intimate audio material*. The definition provides that intimate audio material is audio of a person engaged in an intimate sexual activity that is not ordinarily done in public.

New subsection (2) provides that subsection (1) does not apply to audio that is not genuine audio of a person unless:

- (a) the audio could reasonably be mistaken for genuine audio of a person; and
- (b) the person (the subject) can be identified because:
 - (i) the voice of a person heard in the audio so closely resembles the subject's voice that it could reasonably be mistaken for audio of the subject; or
 - (ii) the audio is presented as being audio of the subject and it would be reasonable for someone to believe it is audio of the subject.

An example for subparagraph (ii) is inserted.

New subsection (3) provides that genuine intimate audio material of a person may be taken to be intimate audio material of another person if the audio is presented as being audio of the other person and could reasonably be mistaken for audio of the other person.

New subsection (4) provides that for subsection (2), it is irrelevant that the audio does, or does not, conceal any alteration or its generation using digital technology.

New section 209 provides a definition for *intimate image*.

New subsection (1) provides that an intimate image is a moving or still image that shows:

- (a) a person engaged in an intimate sexual activity that is not ordinarily done in public; or
- (b) a person's genital or anal region, when the region is bare or covered only by underwear; or
- (c) bare breasts, if the person is a female or a transgender or intersex person who identifies as female.

New subsection (2) provides that subsection (1) does not apply to an image that is not a genuine image of a person or a part of the person unless:

- (a) the image could reasonably be mistaken for a genuine image of a person or a part of a person; and
- (b) the person (the subject) can be identified because either:
 - (i) a person shown in the image so closely resembles the subject that the image could reasonably be mistaken for an image of the subject; or
 - (ii) the image is presented as being an image of the subject and it would be reasonable for someone to believe it is an image of the subject.

An example for subparagraph (ii) is inserted.

New subsection (3) provides that a genuine intimate image of a person may be taken to be an intimate image of another person if the image is presented as being an image of the other person and could reasonably be mistaken for an image of the other person.

New subsection (4) provides that, for this section, it is irrelevant that an image:

- (a) does, or does not, conceal any alteration or generation using digital technology;
or

- (b) includes some stylised or obviously artificial elements; or
- (c) is obscured in part if the image still depicts the person in a sexual way.

For example, an image may still be an *intimate image* even if the image contains a disclaimer that it has been altered or AI generated, or the image contains an artificial or stylised element such as an unrealistic background, or symbol (commonly referred to as an ‘emoji’).

Clause 7 amends section 223 (Distributing intimate images).

Subclause (1) amends the heading of this section to include a reference to intimate audio material.

Subclause (2) amends subsection (1) to include a reference to intimate audio material.

Subclause (3) amends the examples for subsection (1) to include a reference to intimate audio material.

Subclause (4) amends subsection (3) to insert a reference to intimate audio material.

Clause 8 inserts new section 224 (Non-consensual creation of intimate images or intimate audio material).

Subsection (1) states a person commits a misdemeanour if they create an intimate image, or intimate audio material, of another person without their consent.

The maximum penalty is 3 years imprisonment.

Subsection (2) provides that it is a defence to a charge against subsection (1) to provide that:

- (a) the person engaged in the conduct that is alleged to constitute the offence for a genuine artistic, educational, legal, medical, scientific or public benefit purpose, and
- (b) the person’s conduct was, in the circumstances, reasonable for that purpose.

Subsection (3) provides that for subsection (1), a child under the age of 16 years is incapable of giving consent.

Subsection (4) provides definitions for *consent* and *create* for this section.

Consent means free and voluntary agreement by a person with the cognitive capacity to make the agreement.

Create, in relation to an intimate image or intimate audio material, means:

- (a) alter an image or audio to make the intimate image or intimate audio material; or
- (b) generate an intimate image or intimate audio material using digital technology.

An example for subparagraph (b) is provided.

Clause 9 amends section 227C (Persons who are not criminally responsible for offences against ss 223, 227A and 227B).

Subclause (1) amends the heading of this section to include a reference to section 224.

Subclause (2) amends section 227C(1) and (2) to insert a reference to section 224(1).

Clause 10 amends section 229A (Threats to distribute intimate image or prohibited visual recording).

Subclause (1) amends the heading of this section to remove ‘to distribute intimate image’ and replace it with ‘involving intimate image, intimate audio material’.

Subclause (2) removes subsection (1)(a) and replaces it with a new subsection (1)(a).

Subclause (3) amends section 229A(1)(b) to replace ‘other person’ with ‘threatened person’.

Subclause (4) amends the second dot point of the examples in subsection (1) to replace ‘other person’ with ‘threatened person’.

Subclause (5) removes subsection (2)(a) and replaces it with a new subsection (2)(a).

Subclause (6) amends subsection (2)(b) to replace ‘person A’ with ‘the threatened person’.

Subclause (7) amends the second dot point in the examples in subsection (2)(b) by replacing ‘person A or person B’ with ‘the threatened person or third person’.

Subclause (8) removes subsections (3) and (4) and inserts a new subsection (3).

Subclause (9) renumbers subsection 229A(4) as 229A(5).

Clause 11 amends section 229AA (Rectification order—offence against s 223, 227A, 227B or 229A) by replacing the section.

New subsection (1) provides that if a person is charged with a prescribed offence, a court may, on application by the Crown, make a rectification order in relation to the person and any images, audio material or visual recordings relevant to the charge.

Subsection (2) provides that subsection (3) applies if:

- (a) a prosecution of a person for a prescribed offence ends for any reason other than for the person being convicted of the offence; or
- (b) a person is convicted of a prescribed offence.

Subsection (3) provides that a court may, on its own initiative or on application by the Crown, make a rectification order in relation to the person and any images, audio material or visual recordings relevant to the prosecution or conviction.

Subsection (4) provides that a court may make a rectification order only if satisfied that it is desirable to do so having regard to:

- (a) any similar legal obligations the person is currently subject to in relation to the relevant material; and
- (b) the person's capacity to take the action required by the proposed order; and
- (c) the collection and preservation of evidence for any proceeding for an offence.

Subsection (5) provides that a rectification order may be varied or revoked by a court.

Subsections (6) provides that a proceeding about making a rectification order is not a criminal proceeding.

Subsection (7) provides that it is a question of fact for a decision to make a rectification order must be decided on the balance of probabilities.

Subsection (8) provides that evidence that a rectification order was made, or evidence that a person complied, or did not comply, with a rectification order, is not admissible in any proceeding other than a proceeding for an offence of failing to comply with a rectification order.

Subsection (9) provides that a person who fails to comply with a rectification order commits a misdemeanour, unless the person has a reasonable excuse.

The maximum penalty is 2 years imprisonment.

Subsection (10) inserts definitions for *legal obligation*, *prescribed offence* and *rectification order* for this section.

Legal obligation, of a person, means:

- (a) an order made by a court; or
- (b) a requirement, however called, made of the person under any law for which it is an offence to fail to comply with the requirement.

Prescribed offence means an offence against section 223(1), 224(1), 227A(1) or (2), 227B(1) or 229A(1) or (2).

Rectification order means an order that a person take reasonable action to remove, retract, recover, delete or destroy a stated image, audio material or visual recording within a stated period.

Clause 12 inserts a new chapter 116 (Transitional provision for Criminal Code (Non-consensual Creation of Intimate Images and Audio Material) Amendment Act 2026) into part 9 of the Criminal Code.

New chapter 116 contains new section 775 (Amended s 229AA applies in relation to matters arising before or after commencement).

Subsection (1) provides that the section applies if an intimate image, intimate audio material or prohibited visual recording is relevant to:

- (a) a charge of an offence brought after commencement; or

- (b) a proceeding for an offence commenced, but not concluded, before the commencement.

Subsection (2) provides that section 229AA, as amended by the *Criminal Code (Non-consensual Creation of Intimate Images and Audio Material) Amendment Act 2026*, applies regardless of whether:

- (a) the offence was committed before the commencement; and
- (b) an intimate image, intimate audio material or prohibited visual recording was created before the commencement.

Part 3 Amendment of the Disability Services Act 2006

Clause 13 states that this part amends the *Disability Services Act 2006*.

Clause 14 amends schedule 2 (Current serious offences).

Subclause (1) amends item 2 to omit the current entry for section 223 (Distributing intimate images).

Subclause (2) amends item 2 to insert a new entry for section 223 (Distributing intimate images or intimate audio material) and section 224 (Non-consensual creation of intimate images or intimate audio material). The applicable circumstance for both entries in the schedule are that the offence was committed against a child or vulnerable person.

Part 4 Amendment of the Penalties and Sentences Act 1992

Clause 15 states that this part amends the *Penalties and Sentences Act 1992*.

Clause 16 replaces section 43B(4) with new subsections (4) and (5).

New subsection (4) provides a definition for *personal offence* which means an indictable offence committed against the person of someone.

New subsection (5) provides that to remove any doubt, offences committed against the Criminal Code, section 223(1), 224(1), 227A(1) or (2), 227B(1) or 229A(1) or (2) are personal offences.

Clause 17 inserts a new division 27 (Transitional provision for Criminal Code (Non-consensual Creation of Intimate Images and Audio Material) Amendment Act 2026) into part 14 of the *Penalties and Sentences Act*.

New division 27 contains new section 266 (Amendment of s 43B applies to offences committed before or after commencement). This section states that section 43B, as amended by the *Criminal Code (Non-consensual Creation of Intimate Images and Audio Material) Amendment Act 2026*, applies in relation to an offence committed before or after the commencement.

Part 5 Amendment of Police Powers and Responsibilities Act 2000

Clause 18 states that this part amends the *Police Powers and Responsibilities Act 2000*.

Clause 19 amends section 154A (Order after digital device has been seized) to insert a reference to the new section 224 of the Criminal Code into subsection (5)(b)(ii).

Part 6 Amendment of the Amendment of Working with Children Check Act 2000

Clause 20 states that this part amends the *Working with Children Check Act 2000*.

Clause 21 amends schedule 2 (Current serious offences).

Subclause (1) amends item 2 to replace the current entry for section 223 with a new entry for section 223 (Distributing intimate images or intimate audio material) with the qualification 'if the offence was committed against a child'.

Subclause (2) amends item 2 to replace the current entry for section 224 (Non-consensual creation of intimate images or intimate audio material) with the qualification 'if the offence was committed against a child'.