



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



Queensland

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

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Amendment Bill 2026

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2026

A Bill

for

An Act to amend the Criminal Code, the *Disability Services Act 2006*, the *Penalties and Sentences Act 1992*, the *Police Powers and Responsibilities Act 2000* and the *Working with Children Check Act 2000* for particular purposes

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3
This Act may be cited as the *Criminal Code (Non-consensual Creation of Intimate Images and Audio Material) Amendment Act 2026*. 4 5 6

Clause 2 Commencement 7
This Act commences on the day that is 28 days after the date of assent. 8 9

Part 2 Amendment of Criminal Code 10

Clause 3 Code amended 11
This part amends the Criminal Code. 12

Clause 4 Amendment of s 1 (Definitions) 13
(1) Section 1— 14
insert— 15
digital technology, for part 4, chapter 22, see 16
section 207A. 17
intimate audio material, for part 4, chapter 22, 18
see section 208(1). 19
(2) Section 1, definition *intimate image*, ‘section 207A’— 20
omit, insert— 21
section 209(1) 22

Clause 5	Amendment of s 207A (Definitions for this chapter)	1
(1)	Section 207A, definition <i>intimate image</i> —	2
	<i>omit.</i>	3
(2)	Section 207A—	4
	<i>insert</i> —	5
	<i>digital technology</i> means any electronic device or	6
	software that is capable of altering or generating	7
	an image, video or sound.	8
	<i>Examples</i> —	9
	a computer, photo editing software, artificial	10
	intelligence	11
	<i>intimate audio material</i> see section 208(1).	12
	<i>intimate image</i> see section 209(1).	13
(3)	Section 207A, definition <i>visually record</i> , ‘record,’—	14
	<i>omit, insert</i> —	15
	capture, record	16
Clause 6	Insertion of new ss 208 and 209	17
	After section 207A—	18
	<i>insert</i> —	19
	208 Meaning of <i>intimate audio material</i>	20
(1)	<i>Intimate audio material</i> is audio of a person	21
	engaged in an intimate sexual activity that is not	22
	ordinarily done in public.	23
(2)	Subsection (1) does not apply to audio that is not	24
	genuine audio of a person unless—	25
(a)	the audio could reasonably be mistaken for	26
	genuine audio of a person; and	27
(b)	the person (the <i>subject</i>) can be identified	28
	because—	29

- (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.
- Example for subparagraph (ii)—*
- An electronic message including audio of persons engaged in sex states that the woman heard in the audio is Jane Smith.
- (3) 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.
 - (4) For subsection (2), it is irrelevant that the audio does, or does not, conceal any alteration or generation using digital technology.

209 Meaning of *intimate image*

- (1) 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 that region is bare or covered only by underwear; or
 - (c) if a person is female or a transgender or intersex person who identifies as female—the person’s bare breasts.
- (2) Subsection (1) does not apply to an image that is not a genuine image of a person or a part of a

- person unless— 1
- (a) the image could reasonably be mistaken for 2
a genuine image of a person or a part of a 3
person; and 4
- (b) the person (the *subject*) can be identified 5
because— 6
- (i) a person shown in the image so closely 7
resembles the subject that the image 8
could reasonably be mistaken for an 9
image of the subject; or 10
- (ii) the image is presented as being an 11
image of the subject and it would be 12
reasonable for someone to believe it is 13
an image of the subject. 14
- Example for subparagraph (ii)—* 15
- A social media post including an image of a 16
man’s genital region states the genitals 17
depicted are those of John Smith. 18
- (3) A genuine intimate image of a person may be 19
taken to be an intimate image of another person if 20
the image is presented as being an image of the 21
other person and could reasonably be mistaken for 22
an image of the other person. 23
- (4) For this section, it is irrelevant that an image— 24
- (a) does, or does not, conceal any alteration or 25
generation using digital technology; or 26
- (b) includes some stylised or obviously 27
artificial elements; or 28
- (c) is obscured in part if the obscured image 29
still depicts the subject in a sexual way. 30

Clause 7 Amendment of s 223 (Distributing intimate images) 31

(1) Section 223, heading, after ‘intimate images’— 32

insert— 33

	or intimate audio material	1
(2)	Section 223(1), after ‘intimate image’—	2
	<i>insert—</i>	3
	or intimate audio material	4
(3)	Section 223(1), examples, after ‘intimate image’—	5
	<i>insert—</i>	6
	or intimate audio material	7
(4)	Section 223(3), after ‘intimate image’—	8
	<i>insert—</i>	9
	or intimate audio material	10

Clause 8	Insertion of new s 224	11
	After section 223—	12
	<i>insert—</i>	13
	224 Non-consensual creation of intimate images or intimate audio material	14 15
	(1) A person commits a misdemeanour if the person creates an intimate image, or intimate audio material, of another person without the other person’s consent.	16 17 18 19
	Maximum penalty—3 years imprisonment.	20
	(2) It is a defence to a charge of an offence against subsection (1) to prove that—	21 22
	(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	23 24 25 26
	(b) the person’s conduct was, in the circumstances, reasonable for that purpose.	27 28
	(3) For subsection (1), a child under the age of 16 years is incapable of giving consent.	29 30

- (4) In this section— 1
- consent* means free and voluntary agreement by a 2
person with the cognitive capacity to make the 3
agreement. 4
- create*, an intimate image or intimate audio 5
material, means— 6
- (a) alter an image or audio to make the intimate 7
image or intimate audio material; or 8
- (b) generate an intimate image or intimate audio 9
material using digital technology. 10
- Example—* 11
- using artificial intelligence to generate an intimate 12
image 13

- Clause 9 Amendment of s 227C (Persons who are not criminally** 14
responsible for offences against ss 223, 227A and 227B) 15
- (1) Section 227C, heading, after ‘223,’— 16
- insert—* 17
- 224,** 18
- (2) Section 227C(1) and (2), after ‘223,’— 19
- insert—* 20
- 224(1),** 21

- Clause 10 Amendment of s 229A (Threats to distribute intimate** 22
image or prohibited visual recording) 23
- (1) Section 229A, heading, ‘to distribute intimate image’— 24
- omit, insert—* 25
- involving intimate image, intimate audio** 26
material 27
- (2) Section 229A(1)(a)— 28
- omit, insert—* 29

[s 10]

- (a) the person makes a threat to another person to do any of the following without the threatened person's consent and in a way that would cause the threatened person distress reasonably arising in all the circumstances—
 - (i) distribute an intimate image or intimate audio material of the threatened person;
 - (ii) create an intimate image or intimate audio material of the threatened person;
 - (iii) distribute a prohibited visual recording of the threatened person; and
- (3) Section 229A(1)(b), 'other person'—
omit, insert—
threatened person
- (4) Section 229A(1), examples, second dot point, 'other person'—
omit, insert—
threatened person
- (5) Section 229A(2)(a)—
omit, insert—
 - (a) the person makes a threat to another person to take any of the following actions in relation to a third person without the third person's consent and in a way that would cause the threatened person or the third person distress reasonably arising in all the circumstances—
 - (i) distribute an intimate image or intimate audio material of the third person;

	(ii) create an intimate image or intimate audio material of the third person;	1 2
	(iii) distribute a prohibited visual recording of the third person; and	3 4
(6)	Section 229A(2)(b), ‘person A’—	5
	<i>omit, insert—</i>	6
	the threatened person	7
(7)	Section 229A(2)(b), examples, second dot point, ‘person A or person B’—	8 9
	<i>omit, insert—</i>	10
	the threatened person or third person	11
(8)	Section 229A(3) and (4)—	12
	<i>omit, insert—</i>	13
	(3) For subsections (1) and (2)—	14
	(a) it is immaterial whether—	15
	(i) the intimate image, intimate audio material or prohibited visual recording exists or does not exist; or	16 17 18
	(ii) the person who makes the threat intends to cause, or actually causes, the fear mentioned in the subsection; and	19 20 21
	(b) a child under the age of 16 years is incapable of giving consent.	22 23
(9)	Section 229A(5)—	24
	<i>renumber</i> as section 229A(4).	25

Clause 11	Replacement of s 229AA (Rectification order—offence against s 223, 227A, 227B or 229A)	26 27
	Section 229AA—	28
	<i>omit, insert—</i>	29

**229AA Rectification order—offence against s 223,
224, 227A, 227B or 229A**

- (1) 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.
- (2) 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.
- (3) 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.
- (4) A court may make a rectification order under this section only if satisfied that it is desirable to make the order having regard to—
 - (a) any similar legal obligation currently applying to the person in relation to the images, audio material or visual recordings; and
 - (b) the person's capacity to take the action required by the proposed order; and
 - (c) the collection or preservation of evidence for any proceeding for an offence.
- (5) A rectification order may be varied or revoked by a court.
- (6) A proceeding about making a rectification order is not a criminal proceeding.
- (7) A question of fact for a decision to make a

	rectification order must be decided on the balance of probabilities.	1 2
(8)	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 against subsection (9).	3 4 5 6 7
(9)	A person who fails to comply with a rectification order commits a misdemeanour, unless the person has a reasonable excuse.	8 9 10
	Maximum penalty—2 years imprisonment.	11
(10)	In this section—	12
	<i>legal obligation</i> , of a person, means—	13
	(a) an order made by a court; or	14
	(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.	15 16 17 18
	<i>prescribed offence</i> means an offence against section 223(1), 224(1), 227A(1) or (2), 227B(1) or 229A(1) or (2).	19 20 21
	<i>rectification order</i> 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.	22 23 24 25
Clause 12	Insertion of new pt 9, ch 116	26
	Part 9—	27
	<i>insert</i> —	28

Chapter 116 Transitional provision 1
for Criminal Code 2
(Non-consensual 3
Creation of Intimate 4
Images and Audio 5
Material) Amendment 6
Act 2026 7

775 Amended s 229AA applies in relation to 8
matters arising before or after commencement 9

- (1) This section applies if an intimate image, intimate 10
audio material or prohibited visual recording is 11
relevant to— 12
- (a) a charge of an offence brought after the 13
commencement; or 14
- (b) a proceeding for an offence commenced, but 15
not concluded, before the commencement. 16
- (2) Section 229AA, as amended by the *Criminal* 17
Code (Non-consensual Creation of Intimate 18
Images and Audio Material) Amendment Act 19
2026, applies regardless of whether— 20
- (a) the offence was committed before the 21
commencement; and 22
- (b) an intimate image, intimate audio material 23
or prohibited visual recording was created 24
before the commencement. 25

Part 3	Amendment of Disability Services Act 2006	1
		2

Clause 13	Act amended	3
	This part amends the <i>Disability Services Act 2006</i> .	4

Clause 14	Amendment of sch 2 (Current serious offences)	5
	(1) Schedule 2, item 2, entry for 223—	6
	<i>omit.</i>	7
	(2) Schedule 2, item 2—	8
	<i>insert—</i>	9

223	Distributing intimate images or intimate audio material	the offence was committed against a child or vulnerable person
224	Non-consensual creation of intimate images or intimate audio material	the offence was committed against a child or vulnerable person

Part 4	Amendment of Penalties and Sentences Act 1992	10
		11

Clause 15	Act amended	12
	This part amends the <i>Penalties and Sentences Act 1992</i> .	13

Clause 16	Amendment of s 43B (Making non-contact order)	14
	Section 43B(4)—	15
	<i>omit, insert—</i>	16
	(4) A <i>personal offence</i> is an indictable offence committed against the person of someone.	17
		18

(5) To remove any doubt, it is declared that 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 **Insertion of new pt 14, div 27** 5
Part 14— 6
insert— 7

Division 27 **Transitional provision for** 8
Criminal Code 9
(Non-consensual Creation 10
of Intimate Images and 11
Audio Material) 12
Amendment Act 2026 13

266 Amendment of s 43B applies to offences 14
committed before or after commencement 15
Section 43B, as amended by the *Criminal Code* 16
(Non-consensual Creation of Intimate Images 17
and Audio Material) Amendment Act 2026, 18
applies in relation to an offence committed before 19
or after the commencement. 20

Part 5 **Amendment of Police Powers** 21
and Responsibilities Act 2000 22

Clause 18 **Act amended** 23
This part amends the *Police Powers and Responsibilities Act* 24
2000. 25

Clause 19	Amendment of s 154A (Order after digital device has been seized)	1
		2
	Section 154A(5)(b)(ii)—	3
	<i>insert—</i>	4
	• section 224	5

Part 6	Amendment of Working with Children Check Act 2000	6
		7

Clause 20	Act amended	8
	This part amends the <i>Working with Children Check Act 2000</i> .	9

Clause 21	Amendment of sch 2 (Current serious offences)	10
	(1) Schedule 2, item 2, entry for section 223—	11
	<i>omit, insert—</i>	12

223	Distributing intimate images or intimate audio material	if the offence was committed against a child
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(2)	Schedule 2, item 2—	13
	<i>insert—</i>	14

224	Non-consensual creation of intimate images or intimate audio material	if the offence was committed against a child
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