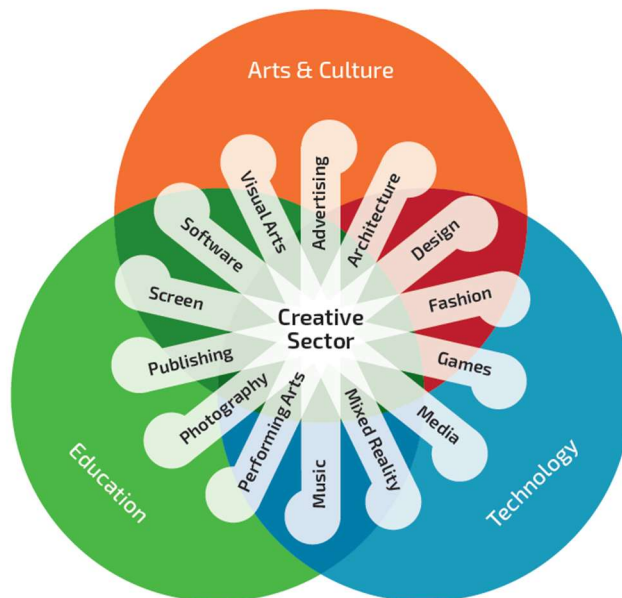


SUBMISSION
Deepfake Digital Harm and Exploitation Bill
June 2026

BACKGROUND

WeCreate is the alliance comprising forty of Aotearoa’s major creative industry associations and organisations (representing 30,000+ Kiwi creators, support people, and creative businesses), which was founded in 2014 to propel growth in the sector and increase its contribution to New Zealand’s social and economic wellbeing.

The creative sector is an ecosystem, as reflected in the image below. We note that all of these industries are digital from the perspective of how their products and services are either made, marketed, distributed or consumed. The market for digital creativity is constantly evolving, with generative artificial intelligence being the latest technology development to present both risks and opportunities for the creative sector.



SUBMISSION

WeCreate welcomes the opportunity to submit on the Deepfake Digital Harm and Exploitation Bill (the Bill). We acknowledge and **strongly support the intent of this legislation**. The non-consensual creation and distribution of sexually explicit deepfakes causes profound, demonstrable harm — to individuals' dignity, mental health, and reputations — and existing law has left victims without adequate recourse.

The Bill addresses a real and urgent gap. Under current law, the definition of 'intimate visual recording' in the Crimes Act 1961 and the Harmful Digital Communications Act 2015 applies only to genuine recordings, meaning AI-generated or manipulated intimate imagery falls outside criminal liability in most circumstances. Victims have been left in an impossible position: the harm is real, the perpetrators are identifiable, but the law does not reach them. This Bill rightly moves to close that gap.

WeCreate supports the passage of this Bill. We also take this opportunity to submit that the Bill, while necessary, is not sufficient on its own. New Zealand needs a broader, more coherent regulatory framework to protect all people, including creative professionals, from the harms that generative AI technologies now make possible at scale.

The Creative Sector Has Been at the Forefront of These Harms

The creative sector has been at the front line of experiencing harms from the fact that New Zealand's regulatory framework fails to adequately protect individuals from the misuse of their creations, image, voice, and likeness by AI systems. Artists, musicians, actors, and other creative practitioners have been among the first to experience the consequences of this gap — often at significant personal and professional cost.

Generative AI tools now allow anyone to synthesise a convincing replica of a real person: their face, their voice, their mannerisms, and their body. For creative professionals, this manifests in multiple ways:

- Musicians' voices being cloned and used to generate and distribute new 'recordings' without consent or attribution
- Actors' and presenters' likenesses appearing in fabricated intimate, commercial, or political content they never authorised
- Writers' and artists' creative output being used to train AI models, without permission or payment, that then compete commercially with the creators who produced the content used for training
- Public-facing creative professionals being impersonated in ways that damage their professional reputation and personal safety

WeCreate and our members have consistently called for regulatory action to protect individuals' rights over their image, voice, and persona in the context of generative AI. This is not a niche concern — it is a fundamental question of personal sovereignty and economic fairness. The creative sector has raised these issues precisely because our members experience the harms most acutely and earliest, but the technology is advancing rapidly and now every New Zealander with a digital presence is at risk.

New Zealand Falls Well Short of Adequate Online Protections

In supporting the passage of this Bill, WeCreate urges the Select Committee and the Government to recognise that it represents a first step, not the last one, and that the need for regulation is urgent.

In recommending the Bill, we ask that the Committee encourage the government to also:

1. Regulate persona and likeness protection

New Zealand should establish a statutory right of personality — giving individuals clear, enforceable rights over the commercial and non-commercial use of their image, voice, and persona by AI systems. This would protect creative professionals, public figures, and ordinary New Zealanders from identity misappropriation, whether for commercial, political or other purposes.

2. Fully resource and empower an independent online safety regulator

We acknowledge the valuable work of Netsafe but submit that New Zealand needs a properly resourced independent regulator with proactive powers to investigate systemic online harms, set enforceable standards for digital platforms, and require timely content removal by any platform that is hosting illegal content.

3. Faster content removal obligations

The current requirement for a court order to compel content removal is unworkable in the context of rapidly distributed AI-generated content. The Government should introduce a notice-and-takedown framework with binding timeframes, aligned with international best practice.

4. Accelerate the Copyright Act review

The ongoing review of the Copyright Act 1994 must urgently address the intersection of AI and creators' rights — including the use of creative works as AI training data without consent or compensation. WeCreate calls for this review to be completed and legislated without further delay.

Conclusion

WeCreate supports the Deepfake Digital Harm and Exploitation Bill and acknowledges the work of Laura McClure in bringing it forward. The harms this Bill addresses are serious, they are escalating, and they disproportionately affect women and young people.

However, this Bill should be understood as one urgent measure within a broader regulatory failure. New Zealand does not yet have the legislative framework, the regulatory institutions, or the platform obligations needed to protect New Zealanders in an environment of rapidly advancing generative AI. The creative sector is the canary in the coalmine in relation to these harms. We respectfully urge the Committee to recommend not only the passage of this Bill, but also a clear commitment from Government to the broader reforms New Zealand requires.

Ngā mihi maioha,

Paula Browning
Executive Director
paula@wecreate.org.nz

WeCreate

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www.wecreate.org.nz