



Crimes (Countering Foreign Interference) Amendment Act 2025

Public Act 2025 No 71

Date of assent 26 November 2025

Commencement see section 2

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Minor and consequential amendments to other Acts

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Crimes (Countering Foreign Interference) Amendment Act 2025.

2 Commencement

This Act comes into force on 27 November 2025.

Section 2: editorial change made by the PCO, on 24 December 2025, under sections 86(1) and 87(m) of the Legislation Act 2019 (2019 No 58).

Part 1

Amendments to Crimes Act 1961

3 Principal Act

This Part amends the Crimes Act 1961.

4 New section 2A inserted (Meaning of person who owes allegiance to the Sovereign in right of New Zealand)

After section 2, insert:

2A Meaning of person who owes allegiance to the Sovereign in right of New Zealand

Relationship between this section and common law

- (1) For the purposes of this Act only, this section sets out circumstances in which a person owes allegiance to the Sovereign in right of New Zealand.
- (2) However,—
 - (a) this section is not an exhaustive code of the law relating to the circumstances in which a person owes allegiance to the Sovereign in right of New Zealand; and
 - (b) a person is not excluded from owing allegiance to the Sovereign in right of New Zealand under the common law just because they do not owe allegiance under this section.

Persons in New Zealand

- (3) A person who is in New Zealand owes allegiance to the Sovereign in right of New Zealand unless 1 or more of the following apply:
 - (a) the person enjoys immunity under Article 31 or 37 of the Vienna Convention on Diplomatic Relations by virtue of the Diplomatic Privileges and Immunities Act 1968;
 - (b) the person enjoys immunity under Article 43 of the Vienna Convention on Consular Relations by virtue of the Consular Privileges and Immunities Act 1971;
 - (c) the person—
 - (i) is a citizen of a State that is at war with New Zealand; and
 - (ii) is not a citizen of New Zealand; and
 - (iii) is not bound by the oath of allegiance;
 - (d) the person—
 - (i) is a child of a person in New Zealand who meets the conditions in paragraph (c); and
 - (ii) is under the age of 18 years.

Persons outside New Zealand

- (4) A person who is outside New Zealand owes allegiance to the Sovereign in right of New Zealand if 1 or more of the following apply:
 - (a) the person is a citizen of New Zealand (whether or not the person is also a citizen of any other State);
 - (b) the person is bound by the oath of allegiance (whether or not the person is also bound by any other oath);
 - (c) the person—
 - (i) is not a citizen of a State that is at war with New Zealand; and

- (ii) has previously owed allegiance to the Sovereign in right of New Zealand (whether under this section or under the common law); and
- (iii) has family or property in New Zealand that demonstrates an enduring connection to New Zealand.

Interpretation

- (5) It is a question of law whether a person owes allegiance to the Sovereign in right of New Zealand for the purposes of an offence under this Act.
- (6) Where the decision on a question of law under subsection (5) depends on any questions of fact, the prosecutor or the defendant may adduce, and the Judge may hear, in addition to the evidence heard by the jury, any evidence relevant to those questions of fact.
- (7) In this section, **the oath of allegiance** means the oath of allegiance referred to in the Oaths and Declarations Act 1957 and includes any oath substituted for that oath or any affirmation or declaration to the same effect as that oath.

5 Section 7A amended (Extraterritorial jurisdiction in respect of certain offences with transnational aspects)

In section 7A(1), after “or an offence against”, insert “section 78AAA, section 78AAB.”.

6 Section 7B amended (Attorney-General’s consent required where jurisdiction claimed under section 7A)

After section 7B(3), insert:

- (4) *See section 78B about Attorney-General consent to proceedings for an offence against section 78AAA or section 78AAB (whether jurisdiction is claimed by virtue of section 7A or otherwise).*

7 Section 24 amended (Compulsion)

After section 24(2)(a), insert:

- (aa) section 78AAA (Improper conduct for or on behalf of foreign power):

8 Section 69 amended (Party to any other crime outside New Zealand)

- (1) After section 69(1), insert:

- (1A) A person who owes allegiance to the Sovereign in right of New Zealand commits an offence if the person, outside New Zealand, aids, incites, counsels, or procures the doing or omission outside New Zealand, by any person not owing allegiance to the Sovereign in right of New Zealand, of any act which, if done or omitted outside New Zealand by a person owing such allegiance, would be any of the crimes mentioned in subsection (1).
- (1B) A person who commits an offence against subsection (1A) is liable to imprisonment for a term not exceeding 14 years.

(2) In section 69(2), replace “any such crime as aforesaid” with “any of the crimes mentioned in subsection (1)”.

(3) After section 69(2), insert:

(2A) A person who owes allegiance to the Sovereign in right of New Zealand commits an offence if the person, outside New Zealand, incites, counsels, or attempts to procure the doing or omission outside New Zealand of any act which, if done or omitted in New Zealand, would be any of the crimes mentioned in subsection (1), when that act is not in fact done or omitted.

(2B) A person who commits an offence against subsection (2A) is liable to imprisonment for a term not exceeding 10 years.

9 New section 69A inserted (Party to certain acts or omissions in New Zealand)

After section 69, insert:

69A Party to certain acts or omissions in New Zealand

Relevant act done or omitted

(1) A person who owes allegiance to the Sovereign in right of New Zealand commits an offence if—

(a) the person, in or outside New Zealand, aids, abets, incites, counsels, or procures a person who does not owe such allegiance to do or omit a relevant act in New Zealand; and

(b) the relevant act is in fact done or omitted.

(2) A person who commits an offence against subsection (1) is liable to imprisonment for a term not exceeding 14 years.

Relevant act not done or omitted

(3) A person who owes allegiance to the Sovereign in right of New Zealand commits an offence if—

(a) the person, in or outside New Zealand, incites, counsels, or attempts to procure a person who does not owe such allegiance to do or omit a relevant act in New Zealand; and

(b) the relevant act is not in fact done or omitted.

(4) A person who commits an offence against subsection (3) is liable to imprisonment for a term not exceeding 10 years.

Interpretation

(5) In this section, **relevant act** means an act which, if done or omitted in New Zealand by a person who owes allegiance to the Sovereign in right of New Zealand, would be an offence against—

(a) section 73 (treason); or

(b) section 77 (inciting to mutiny); or

(c) section 78 (espionage).

10 Section 78 amended (Espionage)

In section 78, insert as subsection (2):

(2) In this section,—

document has the meaning given in section 217

information includes information about military tactics, techniques, or procedures.

11 New sections 78AAA and 78AAB inserted

After section 78, insert:

78AAA Improper conduct for or on behalf of foreign power to compromise protected New Zealand interest

Intentional conduct

(1) A person commits an offence if—

- (a) the person engages in improper conduct for or on behalf of a foreign power; and
- (b) the person knows, or ought to know, that they are engaging in the conduct for or on behalf of a foreign power; and
- (c) the person engages in the conduct intending to compromise a protected New Zealand interest.

(2) A person who commits an offence against subsection (1) is liable on conviction to imprisonment for a term not exceeding 14 years.

Reckless conduct

(3) A person commits an offence if—

- (a) the person engages in improper conduct for or on behalf of a foreign power; and
- (b) the person knows, or ought to know, that they are engaging in the conduct for or on behalf of a foreign power; and
- (c) the person engages in the conduct being reckless as to whether doing so is likely to compromise a protected New Zealand interest.

(4) A person who commits an offence against subsection (3) is liable on conviction to imprisonment for a term not exceeding 10 years.

Interpretation

(5) To avoid doubt,—

- (a) the fact that a person protects information for a lawful purpose in the ordinary course of business, a profession, or an occupation, whether paid or unpaid, is not, by itself, a sufficient basis for inferring that the person is engaging in improper conduct:

(b) the fact that a person engages in any protest, advocacy, or dissent, or engages in any strike, lockout, or other industrial action, is not, by itself, a sufficient basis for inferring that the person is—

- (i) intending to compromise a protected New Zealand interest; or
- (ii) reckless as to whether the person’s conduct is likely to compromise a protected New Zealand interest.

(6) Examples of conduct contemplated by subsection (5)(a) include the protection of trade secrets, commercially sensitive information, personal information, journalists’ sources, or legally privileged communications, including by way of encryption.

(7) In this section, conduct that a person engages in **for or on behalf of a foreign power**—

- (a) includes conduct that is—
- (i) instigated, directed, or supervised by a foreign power; or
- (ii) undertaken in collaboration with, or with the assistance, funding, or agreement of, a foreign power; but
- (b) excludes conduct that constitutes the lawful performance of the person’s functions or duties as an employee, contractor, authorised representative, or agent of the Government of New Zealand.

(8) In this section,—

foreign power means any of the following:

- (a) a foreign government (as defined in section 105C);
- (b) a foreign public agency (as defined in section 105C);
- (c) a foreign public enterprise (as defined in section 105C);
- (d) a foreign public official (as defined in section 105C, but as if the references to a public international organisation were removed);
- (e) a political party within a foreign country (as defined in section 105C) that constitutes, forms part of, or represents a foreign government (as defined in section 105C);
- (f) a person in their capacity as a holder of a political or official post if—
 - (i) the person holds that post as a result of, or in the course of, their membership of a political party referred to in paragraph (e); or
 - (ii) the person is subject to the direction or control of, or is significantly influenced by, a political party referred to in paragraph (e) in exercising the functions of that post;
- (g) a company, body, organisation, or association whose main purpose is to support a political party referred to in paragraph (e)

improper conduct means conduct that includes any of the following:

- (a) conduct that is of a covert nature, which may include—
 - (i) concealing a person's actions or identity;
 - (ii) obscuring the existence of an association or relationship;
 - (iii) collecting or sharing information about a person without their knowledge or consent;
- (b) conduct that is of a deceptive nature, which may include—
 - (i) misrepresenting or obfuscating a person's purpose in acting or not acting;
 - (ii) failing to disclose the consequences of acting or not acting in accordance with any representation;
 - (iii) making a false representation;
 - (iv) omitting any material particular in dealing with another person;
- (c) conduct that is of a coercive nature, which may include—
 - (i) using intimidating, threatening, manipulative, or exploitative behaviour against another person;
 - (ii) enabling the denial or restriction of access to property or services that another person would otherwise be entitled to access;
- (d) conduct that is of a corruptive nature, which may include abusing a person's position or authority in a manner that enables the person to—
 - (i) exert undue influence or control over another person;
 - (ii) make a monetary or personal gain

protected New Zealand interest means any of the following:

- (a) the security or defence of New Zealand;
- (b) the economic well-being of New Zealand;
- (c) the international relations of New Zealand;
- (d) the functioning of the executive, judiciary, or legislature of New Zealand;
- (e) the exercise or performance of any public function, duty, or power conferred or imposed on a person or body by or pursuant to the law of New Zealand;
- (f) the fair and impartial conduct of any election, poll, or referendum under the law of New Zealand;
- (g) the ability of any person to exercise in New Zealand any human, civil, political, or democratic right recognised under the law of New Zealand;
- (h) the safety or security of—
 - (i) any person in New Zealand; or

- (ii) any citizen of New Zealand, whether or not that person is in New Zealand; or
- (iii) any person ordinarily resident in New Zealand, whether or not that person is in New Zealand.

78AAB Commission of imprisonable offence for or on behalf of foreign power to provide relevant benefit

Intentional conduct

- (1) A person commits an offence if the person commits any imprisonable offence for or on behalf of a foreign power intending to provide a relevant benefit to a foreign power.
- (2) A person who commits an offence against subsection (1) is liable on conviction to imprisonment for a term not exceeding 10 years.

Reckless conduct

- (3) A person commits an offence if the person commits any imprisonable offence for or on behalf of a foreign power being reckless as to whether doing so is likely to provide a relevant benefit to a foreign power.
- (4) A person who commits an offence against subsection (3) is liable on conviction to imprisonment for a term not exceeding 7 years.

Interpretation

- (5) To avoid doubt, the fact that a person engages in any protest, advocacy, or dissent, or engages in any strike, lockout, or other industrial action, is not, by itself, a sufficient basis for inferring that the person is—
 - (a) intending to provide a relevant benefit to a foreign power; or
 - (b) reckless as to whether the person's conduct is likely to provide a relevant benefit to a foreign power.
- (6) In this section, committing an imprisonable offence **for or on behalf of a foreign power** includes committing the offence—
 - (a) at the instigation, at the direction, or under the supervision of a foreign power; or
 - (b) in collaboration with, or with the assistance, funding, or agreement of, a foreign power.
- (7) In this section,—
foreign power has the same meaning as in section 78AAA
to provide a relevant benefit to a foreign power means 1 or more of the following:
 - (a) to support the intelligence activities of a foreign power;
 - (b) to enhance the political or economic influence or the military or technological capability of a foreign power;

(c) to advance the coercive influence of a foreign power over persons in or outside New Zealand.

12 Section 78AA amended (Wrongful communication, retention, or copying of classified information)

In section 78AA(3), replace “official information” with “relevant information” in each place.

13 Section 78A amended (Wrongful communication, retention, or copying of official information)

- (1) In the heading to section 78A, replace “**official information**” with “**relevant information**”.
- (2) In section 78A(1)(a), replace “official information” with “information that is, or was, relevant information”.
- (3) In section 78A(2), repeal the definition of **department**.
- (4) In section 78A(2), insert in their appropriate alphabetical order:

document has the meaning given in section 217

information includes information about military tactics, techniques, or procedures

local authority means a local authority or public body named or specified in Schedule 1 or 2 of the Local Government Official Information and Meetings Act 1987 and includes—

- (a) any committee or subcommittee or standing committee or special committee or joint standing committee or joint special committee that the local authority is empowered to appoint under its standing orders or rules of procedure or under any enactment or Order in Council constituting the local authority or regulating its proceedings; and
- (b) a committee of the whole local authority

public service agency means a department, departmental agency, interdepartmental executive board, or interdepartmental venture named in Parts 1 to 1C of Schedule 1 of the Ombudsmen Act 1975

relevant information—

- (a) means any information held by—
 - (i) a public service agency; or
 - (ii) a local authority; or
 - (iii) a relevant office; or
 - (iv) a Minister of the Crown in their official capacity; or
 - (v) an organisation; or

- (vi) an officer or employee of any public service agency, local authority, relevant office, or organisation in their capacity as such an officer or employee or in their capacity as a statutory officer; or
- (vii) an independent contractor engaged by any public service agency, local authority, relevant office, Minister of the Crown, or organisation in their capacity as such contractor; and

(b) includes any information held outside New Zealand by any branch or post of—

- (i) a public service agency; or
- (ii) a local authority; or
- (iii) a relevant office; or
- (iv) an organisation; and

(c) includes any information held by an unincorporated body (being a board, council, committee, subcommittee, or other body)—

- (i) that is established for the purpose of assisting or advising, or performing functions connected with, any public service agency, local authority, relevant office, Minister of the Crown, or organisation; and
- (ii) that is so established in accordance with the provisions of any enactment or by any public service agency, local authority, relevant office, Minister of the Crown, or organisation

relevant office means—

- (a) the Inspector-General of Intelligence and Security, the Deputy Inspector-General of Intelligence and Security, or any employee of the Inspector-General of Intelligence and Security, acting in that capacity;
- (b) the Controller and Auditor-General, the Deputy Controller and Auditor-General, or any employee or appointed auditor of the Controller and Auditor-General, acting in that capacity;
- (c) any Ombudsman appointed under the Ombudsman Act 1975 or any officer or employee of the Chief Ombudsman, acting in that capacity;
- (d) the Office of the Clerk of the House of Representatives;
- (e) the Independent Police Conduct Authority

(5) In section 78A(2), definition of **object**, paragraph (a), replace “department” with “public service agency”.

(6) In section 78A(2), definition of **object**, after paragraph (a), insert:

- (aa) a local authority; or
- (ab) a relevant office; or

(7) In section 78A(2), definition of **object**, paragraphs (d) to (g), replace “department” with “public service agency or local authority or relevant office” in each place.

(8) In section 78A(2), repeal the definition of **official information**.

14 Section 78B amended (Consent of Attorney-General to proceedings in relation to espionage or wrongful communication, retention, or copying of classified information or official information)

(1) In the heading to section 78B, replace “**espionage or wrongful communication, retention, or copying of classified information or official information**” with “**certain offences**”.

(2) In section 78B(1)(a) to (c), after “78,” insert “78AAA(1), 78AAA(3), 78AAB(1), 78AAB(3),”.

15 Section 105A amended (Corrupt use of official information)

In section 105A, after “information”, insert “(including information about military tactics, techniques, or procedures)”.

16 Section 168 amended (Further definition of murder)

After section 168(2)(a), insert:

(aa) section 78AAA (Improper conduct for or on behalf of foreign power):

Part 2

Minor and consequential amendments to other Acts

17 Minor and consequential amendments to other Acts

Amend the Acts specified in the Schedule as set out in that schedule.

Schedule

Minor and consequential amendments to other Acts

s 17

Armed Forces Discipline Act 1971 (1971 No 53)

In section 25, replace “official information” with “relevant information” in each place.

Bail Act 2000 (2000 No 38)

In the heading to section 9, replace “**treason or espionage**” with “**certain offences**”.

In section 9, after “(which relates to espionage)”, insert “or against section 78AAA of the Crimes Act 1961 (which relates to improper conduct for or on behalf of a foreign power to compromise a protected New Zealand interest) or against section 78AAB of the Crimes Act 1961 (which relates to the commission of an imprisonable offence for or on behalf of a foreign power to provide a relevant benefit)”.

Children and Young People’s Commission Act 2022 (2022 No 44)

In section 36(3)(a), after “section 78,”, insert “78AAA, 78AAB,.”.

Commerce Act 1986 (1986 No 5)

In section 106(3)(a), (b), and (c), after “section 78”, insert “or section 78AAA or section 78AAB or section 78AA”.

Criminal Procedure Act 2011 (2011 No 81)

In Schedule 1, Part 1, insert in their appropriate order:

Section 69(1A)	Person owing allegiance being party to crime of treason, inciting to mutiny, or espionage outside New Zealand
Section 69(2A)	Person owing allegiance inciting treason, mutiny, or espionage outside New Zealand (not committed)
Section 69A(1)	Person owing allegiance being party to crime of treason, inciting to mutiny, or espionage in New Zealand
Section 69A(3)	Person owing allegiance inciting treason, mutiny, or espionage in New Zealand (not committed)
Section 78AAA(1)	Improper conduct for or on behalf of foreign power to compromise protected New Zealand interest (with intent)
Section 78AAA(3)	Improper conduct for or on behalf of foreign power to compromise protected New Zealand interest (with recklessness)
Section 78AAB(1)	Commission of imprisonable offence for or on behalf of foreign power to provide relevant benefit (with intent)
Section 78AAB(3)	Commission of imprisonable offence for or on behalf of foreign power to provide relevant benefit (with recklessness)

Environment Act 1986 (1986 No 127)

In section 22A(3)(a), (b), and (c), after “section 78,”, insert “78AAA, 78AAB,”.

Fair Trading Act 1986 (1986 No 121)

In section 48(3)(a), (b), and (c), after “section 78”, insert “or section 78AAA or section 78AAB or section 78AA”.

Financial Markets Authority Act 2011 (2011 No 5)

In section 22(3)(a), after “section 78,”, insert “78AAA, 78AAB,”.

In section 65(2)(c)(ii), after “section 78,”, insert “78AAA, 78AAB, 78AA,”.

Health and Disability Commissioner Act 1994 (1994 No 88)

In section 65(3)(a) and (b), after “section 78,”, insert “78AAA, 78AAB,”.

Human Rights Act 1993 (1993 No 82)

In section 130(3)(a) and (b), after “section 78,”, insert “78AAA, 78AAB,”.

Independent Police Conduct Authority Act 1988 (1988 No 2)

In section 33(2)(a), (b), and (c), after “section 78,”, insert “78AAA, 78AAB,”.

Inspector-General of Defence Act 2023 (2023 No 42)

In section 37(3)(b), after “section 78,”, insert “78AAA, 78AAB,”.

In section 55(2)(b), after “section 78,”, insert “78AAA, 78AAB,”.

Intelligence and Security Act 2017 (2017 No 10)

In section 183(2)(b), after “section 78,”, insert “78AAA, 78AAB,”.

In Schedule 3, clause 12(3)(b), after “section 78,”, insert “78AAA, 78AAB,”.

Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 (2004 No 38)

In section 19(2)(a), replace “department” with “public service agency”.

In section 19(2)(a), after “sections 78”, insert “, 78AA,”.

In Schedule 2, clause 4(4)(a) and (b), after “section 78,”, insert “78AAA, 78AAB,”.

Ombudsmen Act 1975 (1975 No 9)

In section 26(2)(a), (b), and (c), after “section 78,”, insert “78AAA, 78AAB,”.

Oranga Tamariki Act 1989 (1989 No 24)

In Schedule 1A, after the item relating to section 78 of the Crimes Act 1961, insert:

Improper conduct for or on behalf of foreign power Crimes Act 1961, section 78AAA
to compromise protected New Zealand interest

Privacy Act 2020 (2020 No 31)

In section 90(3)(a), after “section 78,”, insert “78AAA, 78AAB,.”.

Radiocommunications Act 1989 (1989 No 148)

In section 72(2)(a), (b), and (c), after “section 78”, insert “or section 78AAA or section 78AAB or section 78AA”.

Reserve Bank of New Zealand Act 2021 (2021 No 31)

In section 181(2)(a), after “section 78,”, insert “78AAA, 78AAB,.”.

In section 182(3)(a), after “section 78,”, insert “78AAA, 78AAB,.”.

Search and Surveillance Act 2012 (2012 No 24)

In Part 2, in the subpart 8 heading, after “section 78”, insert “, 78AAA, 78AAB,.”.

In the heading to section 25, after “**section 78**”, insert “, **78AAA, 78AAB**”.

In section 25(2)(a), after “section 78”, insert “, 78AAA, 78AAB,.”.

Summary Offences Act 1981 (1981 No 113)

In the cross-heading above section 20A, replace “*Official*” with “*Relevant*”.

In the heading to section 20A, replace “**official**” with “**relevant**”.

In section 20A(1), replace “official” with “relevant” in each place.

Takeovers Act 1993 (1993 No 107)

In section 11(3)(a), (b), and (c), after “section 78”, insert “or section 78AAA or section 78AAB or section 78AA”.

In section 33D(2)(c)(i), (ii), and (iii), after “section 78,”, insert “78AAA, 78AAB,.”.

Legislative history

14 November 2024	Introduction (Bill 93–1)
19 November 2024	First reading and referral to Justice Committee
19 May 2025	Reported from Justice Committee (Bill 93–2)
22 October 2025	Second reading
11 November 2025	Committee of the whole House
18 November 2025	Third reading
26 November 2025	Royal assent

This Act is administered by the Ministry of Justice.