

Crimes (Countering Foreign Interference) Amendment Act 2025

New foreign interference offences

In November 2025, Parliament passed the Crimes (Countering Foreign Interference) Amendment Act 2025 to strengthen New Zealand's criminal justice response to foreign interference and espionage. The Act came into force on 27 November 2025.

The criminal law holds people to account for committing harmful acts. The Act responds to harmful foreign interference in several ways, primarily by adding two new offences to the law that contains many of New Zealand's serious offences – the Crimes Act 1961.

The Act is part of a wider cross-government work programme intended to counter foreign interference from any country. By strengthening New Zealand's criminal justice response to foreign interference, the Act enhances our overall resilience to this unacceptable activity.

What is foreign interference?

The New Zealand Security Intelligence Service (NZSIS) defines foreign interference as an act by a foreign state, often acting through a proxy, which is intended to influence, disrupt or subvert New Zealand's national interests by deceptive, corruptive or coercive means. Normal diplomatic activity, lobbying and other genuine, overt efforts to gain influence are not considered interference.

[Learn more about foreign interference impacting Ethnic Communities here](#)

[Find out how to report foreign interference here](#)

New offence 1: Improper conduct for or on behalf of foreign power to compromise protected New Zealand interest

This offence criminalised the act of foreign interference. To commit the offence, a person must be doing an activity for a foreign state, and **the person's actions must include all three of the following key elements – they:**

1. know, or ought to know, they are acting for a foreign state, and
2. act in a covert, deceptive, coercive, or corruptive manner, and
3. intend to, or are aware that they are likely to, harm specified New Zealand interests through their actions.

The offence holds people to account for undertaking interference activity targeting New Zealand interests that affect everyone, including our security or defence, the conduct of elections, and government decision-making. It also protects individuals and their communities by criminalising activities that aim to undermine personal safety and security, or the exercise of rights and freedoms.

This is a serious offence and has a maximum penalty of 14 years' imprisonment.

To ensure that only people who commit foreign interference are captured, the offence does not criminalise the activities of people who:

- are not acting for a foreign state
- do not know, or have no reasonable way of determining, that they are being used by a foreign state as part of efforts to undertake foreign interference against New Zealand, or
- are acting for a foreign state in an open, transparent, and lawful manner.

Exercising rights and freedoms alone are not criminal acts. The offence clearly states that:

- engaging in protest, advocacy, or dissent, or engaging in a strike, lockout or other industrial action, on its own, does not provide a sufficient basis to infer that a person is committing the offence, and
- protecting information as part of everyday activities (such as using encrypted communications for work or personal reasons), on its own, does not provide a sufficient basis to infer that a person is acting covertly, which is one of the three elements of the foreign interference offence.

New offence 2: Commission of imprisonable offence for or on behalf of foreign power to provide relevant benefit

Some activities that are used to undertake or support foreign interference are already criminal offences in New Zealand. These include, for example, intimidation, blackmail, corruption, and the use of violence. The significance of these criminal acts, and the harms they cause, increase when they are committed in New Zealand to help a foreign state to advance its strategic objectives.

To recognise the greater harm, this new offence applies to a person who commits an **imprisonable offence to benefit a foreign state in any of the following ways:**

- to support its foreign intelligence activities
- to enhance its political or economic influence, or its military or technological capability,
- or
- to advance its coercive influence over people inside or outside New Zealand.

All non-criminal activities done to benefit a foreign state will remain lawful and permitted.

The offence states that engaging in protest, advocacy, or dissent, or engaging in a strike, lockout or other industrial action, on its own, does not provide a sufficient basis to infer that a person is trying to provide a benefit to a foreign state.

This is a serious offence and has a maximum penalty of 10 years' imprisonment.

Other amendments to the Crimes (Countering Foreign Interference) Amendment Act

In addition to the new foreign interference-related offences, other changes to the Crimes Act strengthened protections against activities that can prejudice New Zealand's security or defence.

[Learn more about the other amendments on the Ministry of Justice website](#)

Learn more

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