MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

COVERSHEET

Minister	Hon Shane Jones	**Portfolio**	Resources
Title of Cabinet paper	Regulating hydrogen resources through the Natural Environment Bill framework	**Date to be published**	3 November 2026

List of documents that have been proactively released		
Date	**Title**	**Author**
8 September 2026	Regulating hydrogen resources through the Natural Environment Bill framework	Office of Minister for Resources
16 September 2026	Regulating hydrogen resources through the Natural Environment Bill framework ECO-26-MIN-0181 Minute	Cabinet Office
8 September 2026	Regulatory Analysis Summary - Regulating hydrogen resources	MBIE
16 July 2026	BRIEFING-REQ-0034749 Regulating white and orange hydrogen resources	MBIE
November 2025	Enabling the Regulation of Natural and Orange Hydrogen: Policy Direction	Office of Minister for Resources
19 November 2025	Enabling the Regulation of Natural and Orange Hydrogen: Policy Direction ECO-25-MIN-0193 Minute	Cabinet Office

Information redacted **YES**

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Some information has been redacted for the reasons of privacy of natural persons and legal professional privilege.

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ECO-26-MIN-0181

Cabinet Economic Policy Committee

Minute of Decision

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Regulating Hydrogen Resources through the Natural Environment Bill Framework

Portfolio **Resources**

On 16 September 2026, the Cabinet Economic Policy Committee (ECO):

1 **noted** that in November 2025, ECO agreed to continue exploring regulating natural (white) and orange hydrogen, without vesting ownership of white and orange hydrogen in the Crown, and investigating alternative regulatory approaches, including arrangements analogous to geothermal resources [ECO-25-MIN-0193];

2 **noted** that the overall policy objective is to establish fit-for-purpose regulatory settings to enable investment into and development of white and orange hydrogen;

3 **agreed** to the development of a regulatory framework for white and orange hydrogen resources under the proposed Natural Environment Act (NEA);

4 **agreed in principle**, subject to the report back in paragraph 11, that the above regulatory framework for white and orange hydrogen resources will be provided in a way analogous to geothermal energy, with the Crown having the assignable sole right to tap, take, use and apply it;

5 **agreed in principle**, subject to the report back in paragraph 11, that NEA authorisations for white and orange hydrogen should be capable of being granted on an exclusive basis, to provide investment certainty;

6 **agreed in principle**, subject to the report back in paragraph 11, that the Crown Minerals Act 1991 (CMA) is amended to clarify that hydrogen is not a mineral for the purposes of the CMA;

7 **agreed in principle**, subject to the report back in paragraph 11, that the CMA will be amended to clarify how it applies when orange hydrogen is stimulated from minerals (rocks) that are regulated under the CMA;

8 **agreed in principle**, subject to final Cabinet decisions, that the above proposals be progressed through an Amendment Bill in 2027 amending both the NEA and CMA;

9 **agreed** that the Minister Responsible for RMA Reform and Minister for Resources progress the above work, consistent with the proposals in the paper under ECO-26-SUB-0181, subject to final confirmation by Cabinet;

10 **agreed** that officials from the Ministry of Cities, Environment, Regions and Transport and the Ministry of Business, Innovation and Employment undertake further policy development, consultation and legislative design work before final policy decisions are considered by Cabinet;

11 **invited** the Minister for Resources to report back to ECO in 2027 with final policy proposals and legislative recommendations.

Rachel Clarke
Committee Secretary

Present:
Hon David Seymour
Rt Hon Winston Peters
Hon Chris Bishop (Chair)
Hon Shane Jones
Hon Brooke van Velden
Hon Paul Goldsmith
Hon Louise Upston
Hon Tama Potaka
Hon Andrew Hoggard
Hon Nicola Grigg
Hon Mark Patterson
Hon James Meager
Hon Scott Simpson
Hon Cameron Brewer
Simon Court MP

Officials present from:
Ministry of Business, Innovation and Employment
Officials Committee for ECO