

[Draft] Tiaki Wai Economic Regulation Determination 2026 [2026] NZCC [X]

The Commission

Dr John Small
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Date of decision:

[x]

Dated at Wellington this [xx] day of [xx] 2026

COMMERCE COMMISSION

Wellington, New Zealand

Determination history		
Determination date	Decision number	Determination name
[x]	[2026] NZCC [x]	[Draft] Tiaki Wai Economic Regulation Determination 2026 [2026] NZCC [X]

Under s 52P of the Commerce Act 1986, the Commerce Commission makes the following determination:

**[DRAFT] TIAKI WAI ECONOMIC REGULATION DETERMINATION 2026 [2026]
NZCC [X]**

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PART 1 GENERAL PROVISIONS

1.1 Title

1.1.1 This determination is the Tiaki Wai Economic Regulation Determination 2026 [2026] NZCC [X].

1.2 Commencement

1.2.1 This determination comes into force on [x].

1.3 Application

1.3.1 This determination applies to Tiaki Wai and requires it to disclose information relating to its supply of water supply services and wastewater services.

1.3.2 This determination applies in addition to Tiaki Wai's disclosure obligations under the enduring ID determination.

1.4 Interpretation

1.4.1 Unless the context otherwise requires,—

- (1) terms in this determination that are defined in the Act, but not in this determination, have the meaning given in the Act; and
- (2) terms in this determination that are defined in the enduring ID determination, but not in this determination, have the meaning given in the enduring ID determination; and
- (3) non-financial items must be measured and disclosed in accordance with standard industry practice unless otherwise required in this determination.

1.5 Definitions

1.5.1 In this determination, unless the context otherwise requires,—

Act	means the Commerce Act;
Commission	has the same meaning as defined in s 2 of the Act;
data confidence grading	means a grade from A to E of the reliability of data, where: <ol style="list-style-type: none">(a) 'A' means the data is highly reliable. Less than 2% of the data is uncertain. The data is based on sound records, procedure, investigations and analysis that is properly documented and

recognised as the best method of assessment; and

- (b) 'B' means the data is reliable. Between 2% and 10% of the data is uncertain. The data is based on sound records, procedure, investigations and analysis that is properly documented but has minor shortcomings – for example, the data is old, some documentation is missing, or reliance is placed on unconfirmed reports or some extrapolation; and
- (c) 'C' means the data is reasonably reliable. Between 10% and 25% of the data is uncertain. The data is based on records, procedures, investigations and analysis that is incomplete or unsupported, or extrapolated from a limited sample for which grade A or B data is available; and
- (d) 'D' means the data is unreliable. Between 25% and 50% of the data is uncertain. The data is based on uncertain records, procedures, investigations and analysis that is incomplete or unsupported, or extrapolated from a limited sample where higher-grade data is available; and
- (e) 'E' means the data is very unreliable. More than 50% of the data is uncertain. The data is based on unconfirmed verbal reports, and/or cursory inspection and analysis;

enduring ID determination

means the Water Services Information Disclosure Determination 2026 [2026] NZCC 3;

fault

means a defect, imperfection, flaw, weakness or unplanned service interruption in the wastewater network or water supply network, but does not include a defect, imperfection, flaw, weakness or unplanned service interruption relating to:

- (a) pipes carrying treated effluent; or
- (b) pipes carrying raw water; or

	(c) pipes located within a wastewater treatment plant; or
	(d) pipes located within a water treatment plant;
fault management process	means any documented procedure or system used by Tiaki Wai for receiving, managing, communicating with consumers about, and resolving faults relating to, the wastewater network or water supply network;
fault received	means the notification of a fault received by Tiaki Wai, excluding any duplicate notifications;
fault reinstated	means a fault resolved where the site in question has been reinstated to the state it was in before the fault occurred; <i>for example, restoring the surface (e.g. topsoil, grass, footpath or road) and/or repairing any public or private property impacted during the repair</i>
fault resolved	means the permanent resolution of a fault received, confirmed by Tiaki Wai's service personnel;
non-urgent fault	means a fault that is not an urgent fault;
operations and maintenance dashboard	means an Operations and Maintenance Alliance Performance Reporting Dashboard produced by Tiaki Wai;
operations report	means an Operations Report produced by Tiaki Wai in relation to one of its shareholding councils; <i>for example, a report produced on Tiaki Wai's operations for Upper Hutt City Council</i>
Partners Committee	means the committee made up of representatives from each Tiaki Wai shareholding council and mana whenua, with governance responsibility over Tiaki Wai;
quarter	means a three-month period beginning on the first day of each of the first, fourth, seventh and tenth months from the start of the financial year; <i>for example, as the financial year begins on 1 July, the first quarter would run from 1 July to 30 September, the second quarter would run from 1 October to 31 December, and so on</i>

Tiaki Wai

means Tiaki Wai Limited; and

urgent fault

means a fault that directly results in a complete loss of wastewater service or water supply service for one or more connections;

for example, a complete interruption of supply, or provision of water that is not safe or likely to be unsafe to drink.

PART 2 INFORMATION DISCLOSURE REQUIREMENTS

2.1 APPLICATION OF THE ENDURING ID DETERMINATION

2.1.1 The following provisions from the enduring ID determination apply to this determination with any necessary modifications:

- (1) clause 2.1 (Information disclosure); and
- (2) clause 2.5 (How information must be disclosed); and
- (3) clause 2.6 (Information may be combined); and
- (4) clause 2.7 (Retention of information); and
- (5) clause 2.8 (Exemptions); and
- (6) clause 2.9 (Disclosing errors in previously disclosed information).

2.2 DISCLOSURE OF FAULT INFORMATION

2.2.1 No later than 60 working days after 30 September 2026, and then for each quarter subsequently, Tiaki Wai must disclose, for the water supply network and wastewater network for each of its shareholding councils, the total number, in that quarter, of:

- (1) faults received that are urgent faults; and
- (2) faults resolved that are urgent faults; and
- (3) faults received that are non-urgent faults; and
- (4) faults resolved that are non-urgent faults.

2.2.2 No later than 60 working days after 30 September 2026, and then for each quarter subsequently, Tiaki Wai must disclose in respect of its water supply networks the total number of:

- (1) urgent faults in the quarter for which the median time to permanently resolve the faults exceeded:
 - (a) 4 hours for a fault received, in relation to each of Upper Hutt City Council and Wellington City Council; and
 - (b) 8 hours for a fault received, in relation to each of Greater Wellington Regional Council, Hutt City Council, and Porirua City Council; and
- (2) non-urgent faults in the quarter for which the median time to permanently resolve the faults exceeded:
 - (a) 5 days for a fault received, in relation to Wellington City Council; and
 - (b) 15 days for a fault received, in relation to Upper Hutt City Council; and
 - (c) 20 days for a fault received, in relation to Greater Wellington Regional Council; and

(d) 20 working days for a fault received, in relation to each of Hutt City Council and Porirua City Council.

2.2.3 No later than 60 working days after 30 September 2026, and then for each quarter subsequently, Tiaki Wai must disclose, in respect of its wastewater networks, the total number of faults in the quarter for which the median time to permanently resolve the faults exceeded:

- (1) 6 hours for a fault received, in relation to each of Porirua City Council, Upper Hutt City Council and Wellington City Council; and
- (2) 8 hours for a fault received, in relation to Hutt City Council.

2.2.4 Tiaki Wai must provide a data confidence grading for each data point disclosed under this clause.

2.3 OTHER DISCLOSURE REQUIREMENTS

2.3.1 Tiaki Wai must disclose each operations report that it produces no later than one month after the Partners Committee meeting at which the report is tabled.

2.3.2 Tiaki Wai must make reasonable efforts to ensure that each operations report that is disclosed under clause 2.3.1 is, to the best of its ability, presented in a manner that supports public understanding and interpretation of the information provided.

2.3.3 Tiaki Wai must disclose each operations and maintenance dashboard that it produces no later than one month after the Tiaki Wai Board meeting at which the dashboard is tabled.

2.4 CERTIFICATION

2.4.1 When Tiaki Wai discloses information under clause 2.2 of this determination, Tiaki Wai must disclose a signed director's certificate in the form set out in Schedule D (with any necessary modifications) of the enduring ID determination in respect of that information.

Explanatory note

This note is not part of the determination but is intended to indicate its general effect.

This determination applies in addition to Tiaki Wai's disclosure obligations under the enduring ID determination and requires Tiaki Wai to disclose information relating to its supply of water supply services and wastewater services.

The amendment is secondary legislation made under s 52P of the Commerce Act 1986.

This is secondary legislation issued under the authority of the Legislation Act 2019 .	
Title	Tiaki Wai Economic Regulation Determination 2026
Principal or amendment	Principal
Consolidated version	No
Empowering Act and provisions	Commerce Act 1986, section 52P
Replacement empowering Act and provisions	Not applicable
Maker name	Commerce Commission
Administering agency	Commerce Commission
Date made	[date]
Publication date	[date]
Notification date	[date]
Commencement date	[date]
End date (when applicable)	Not applicable
Consolidation as at date	Not applicable
Related instruments	Water Services Information Disclosure Determination 2026 [2026] NZCC 3