

24 October 2025

Erin Ganley
Wellington Water Ltd
25 Victoria Street,
Petone
Lower Hutt
Wellington, 5012

Tēnā koe Erin,

Conditional exemption from requirement to disclose operations report and operations and maintenance dashboard by disclosure deadlines

1. In response to your letter dated 12 October 2025 on behalf of Wellington Water Limited (**Wellington Water**),¹ the Commerce Commission (the **Commission**) grants Wellington Water a conditional exemption from the requirement to disclose its operations report and operations and maintenance dashboard by 26 and 25 October 2025 respectively, as required under clauses 2.7.1 and 2.7.3 of the *Wellington Water Foundational Information Disclosure Determination 2025* (the **Determination**).²
2. This exemption is granted on the condition that Wellington Water publicly discloses its operations report and operations and maintenance dashboard no later than 31 October 2025.³ Wellington Water must comply with the director certification requirement in clause 2.8 of the Determination when it discloses these documents on 31 October 2025.
3. The legal framework and our reasons for granting the exemption are detailed in the appendix. A copy of this exemption letter will be published on our website.
4. If you have any questions regarding this matter, please contact Emily Botje at wai@comcom.govt.nz.

¹ Wellington Water Limited, Wellington Water Foundational Information Disclosure - request for one-off extension to the timeframe for meeting item 2.7, dated 12 October 2025.

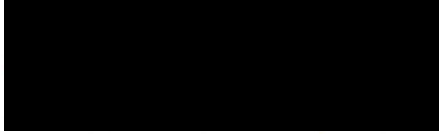
² *Wellington Water Foundational Information Disclosure Determination 2025* [2025] NZCC 18.

³ 31 October 2025 is also the due date required for other disclosures by Wellington Water. For example, the requirement under clause 2.5 of the Determination to provide the Commission with information on its network length and maintenance expenditure.

Nāku iti nei, nā

Andy Burgess

General Manager, Infrastructure Regulation



Appendix: Legal framework and exemption rationale

Legal framework

- A1. The Commission is empowered to implement foundational ID under the Local Government (Water Services Preliminary Arrangements) Act 2024 (WSPA Act). This allows the Commission to determine ID requirements for specified water organisations, in this case Wellington Water.⁴
- A2. Under clauses 2.7.1 and 2.7.3 of the Determination, Wellington Water is required to publicly disclose its operations report and operations and maintenance dashboard no later than one month after the Wellington Water Committee meeting at which the report and/or dashboard is tabled. Clause 2.8.1 requires that this information be signed and certified by a director.
- A3. Clause 2.9.1 of the Determination allows the Commission, by written notice to Wellington Water, to grant an exemption from any requirement of the Determination, for a period and on such terms and conditions as the Commission specifies in that notice. Furthermore, clause 2.9.1(2) gives the Commission the power to amend or revoke any such exemption.⁵

Exemption request

- A4. Wellington Water has requested an exemption from the requirement to publicly disclose its operations report and operations and maintenance dashboard by the deadlines set out in clauses 2.7.1 and 2.7.3 of the Determination.
- A5. The operations report was tabled on 26 September 2025 and the dashboard on 25 September 2025, resulting in disclosure deadlines of 26 October 2025 and 25 October 2025, respectively.
- A6. Wellington Water has requested to disclose both documents on 31 October 2025 instead. The requirement to obtain director certification for these disclosures, under clause 2.8.1, is a new process for Wellington Water and it states that it has taken longer than expected to implement.

Conditional exemption granted

- A7. Using the exemption powers under clause 2.9.1 of the Determination, the Commission grants Wellington Water a conditional exemption from the requirements to publicly disclose its operations report and operations and maintenance dashboard, as required under clauses 2.7.1 and 2.7.3, by 26 October 2025 and 25 October 2025 respectively.
- A8. The exemption conditions are detailed in paragraph 2 of the letter.
- A9. We consider it is reasonable to grant this exemption for the following reasons:

⁴ Local Government (Water Services Preliminary Arrangements) Act 2024, section 42.

⁵ *Wellington Water Foundational Information Disclosure Determination 2025* [2025] NZCC 18, clause 2.9.

- A9.1 The difference in time between the original deadlines and the requested date of 31 October is five and six days respectively, or four working days. This delay is minor and unlikely to materially affect the availability or usefulness of the information.
- A9.2 The requested disclosure date of 31 October 2025 is aligned with other disclosures Wellington Water must make under the Determination.
- A9.3 Wellington Water is implementing a director certification process for the first time. We consider it is reasonable to allow for a short adjustment period to support the successful implementation of this process.
- A9.4 Wellington Water has informed us that this exemption is sought on a one-off basis. The Commission expects that future disclosures will comply with the deadlines set out in the Determination, as the director certification process has been embedded in the organisation.
- A10. On balance, including the reasons outlined at paragraph A9, we consider that granting this exemption would not undermine the purpose of foundational ID under section 38 of the WSPA Act. The quantity and type of information to be disclosed remains the same. We consider that this short delay will not prevent interested persons from assessing whether water service outcomes are being promoted for the long-term benefit of consumers of water services. In particular, the exemption supports the implementation of a more robust certification process, which contributes to improved transparency, accountability, and quality of disclosures by Wellington Water over time.