

30 June 2026

Erin Ganley  
Wellington Water Ltd  
L4, 25 Victoria Street,  
Petone  
Lower Hutt  
Wellington

Tēnā koe Erin,

### **Request for Exemption for Director Certification of Disclosure Items 2.6 and 2.7**

1. In response to your email dated 10 June 2026 on behalf of Wellington Water Limited (**Wellington Water**), the Commerce Commission (the **Commission**) grants Wellington Water a conditional exemption from the requirement to disclose a signed and dated certificate from one of its directors, as required under clause 2.8.1 of the Wellington Water Foundational Information Disclosure Determination 2025 (the **Determination**).<sup>1</sup>
2. This exemption is granted on the condition that Wellington Water provides to the Commission, and publicly discloses, a signed and dated certificate from the final Chief Operating Officer<sup>2</sup> certifying that, the Chief Operating Officer having made all reasonable enquiry and to the best of their knowledge, the information provided in that disclosure is accurate and has been properly extracted from **Wellington Water's** records. The exemption is granted for the purposes of the disclosure items set out in clauses 2.6.1, 2.6.2, 2.6.3, 2.7.1 and 2.7.3.
3. The legal framework and our reasons for granting the exemption are detailed in the appendix.

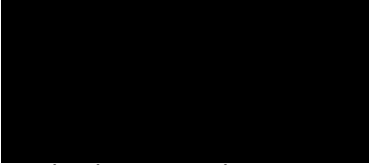
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<sup>1</sup> Wellington Water Foundational Information Disclosure Determination 2025 [2025] NZCC 18.

<sup>2</sup> Wellington Water is being amalgamated into Tiaki Wai on 1 July 2026, after which it will cease to exist as a company. Wellington Water has advised that the Chief Operating Officer (COO) of Wellington Water will become the COO of Tiaki Wai. All references to Chief Operating Officer refer to the final Chief Operating Officer of Wellington Water.

4. A copy of this exemption letter will be published on our website.
5. If you have any questions regarding this matter, please contact Frances Dagg at [wai@comcom.govt.nz](mailto:wai@comcom.govt.nz)

Nāku iti nei, nā



Charlotte Reed,  
Head of Water 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.<sup>3</sup>
- A2. Under clause 2.8.1 of the Determination, Wellington Water is required to provide to the Commission and publicly disclose a signed and dated certificate from one of its directors certifying that, the director having made all reasonable enquiry and to the best of their knowledge, the information provided in that disclosure is accurate and has been properly extracted from **Wellington Water's** records.
- A3. Clause 2.9.1 of the Determination allows the Commission to, by written notice to Wellington Water, 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.<sup>4</sup>

### *Exemption request*

- A4. For the final disclosure required under the WSPA Act, Wellington Water has requested a modification to the requirement in clause 2.8.1 of the Determination to provide to the Commission and publicly disclose a signed and dated certificate from one of its directors. It has requested that the certificate may instead be provided and publicly disclosed by its Chief Operating Officer for the purposes of disclosure items set out in clauses 2.6.1, 2.6.2, 2.6.3, 2.7.1 and 2.7.3.

### *Conditional exemption granted*

- A5. Using the exemption powers under clause 2.9.1 of the Determination, the Commission grants Wellington Water a conditional exemption from the requirement to provide and publicly disclose a signed and dated certificate from one of its directors certifying that, the director having made all reasonable enquiry and to the best of their knowledge, the information provided in that disclosure is accurate and has been properly extracted from Wellington Water's records.
- A6. The exemption conditions are detailed in paragraph 2 of the letter.
- A7. We consider it is reasonable to grant this exemption for the following reasons:

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<sup>3</sup> Local Government (Water Services Preliminary Arrangements) Act 2024, section 42.

<sup>4</sup> *Wellington Water Foundational Information Disclosure Determination 2025* [2025] NZCC 18, clause 2.9.

- A7.1 The final disclosure occurs during a period of transition. Wellington Water is being amalgamated into Tiaki Wai on 1 July 2026, after which it will cease to exist as a company.
- A7.2 The disclosure of certain fault information and other disclosure requirements set out in clauses 2.6 and 2.7 of the Determination is required to be reported within one month following the end of each quarter. This information cannot be reported earlier.
- A7.3 Wellington Water has advised that its standard process for preparing, providing, and submitting the requirements of the Determination will continue unchanged, with no reduction in the level or quality of the information provided. The proposed substitution of a COO certificate in the place of a director's certificate does not materially affect the level of assurance provided.
- A7.4 There will be no overlap of directors between Wellington Water and Tiaki Wai during the transition. Given the Chief Operating Officer will remain accountable for the relevant disclosures across both organisations, the Commission considers the conditional exemption to be reasonable.
- A8. On balance, including the reasons outlined at paragraph A7, 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 exemption will not prevent interested persons from assessing whether water service outcomes are being promoted for the long-term benefit of consumers of water services.