

28 May 2026

Commerce Commission
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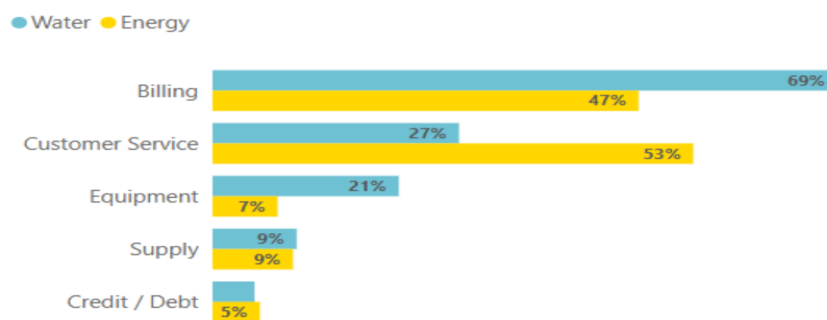


Re: Performance Regulation and Information Disclosure for Tiaki Wai

Utilities Disputes Limited | Tautohetohe Whaipainga (UDL) welcomes the opportunity to comment on the Commerce Commission’s (Com Com) papers about performance regulation and information disclosure for Tiaki Wai.¹ Tiaki Wai will be the water services provider for the Wellington region from 1 July 2026.²

Utilities Disputes is New Zealand’s leading provider of independent dispute resolution services for consumers and providers in utilities. We deliver dispute resolution schemes covering electricity, gas, water, and telecommunications.³ There is no charge to a consumer for making a complaint across any of our schemes.

Comparing water and energy complaint issues
2025-26



We are best known for operating the government mandated Energy Complaints Scheme which last year considered a new high of 12,505 complaints and 12,413 queries. In water we offer a voluntary scheme, Wellington Water and Watercare are members.⁴

We believe much can be learned from the history and practices of the electricity industry in how the Local Water Done Well reforms will transform water complaint handling.⁵ Already across our electricity and water schemes many complaint issues are similar. Once water service providers (WSPs) start billing for water separately we predict the number of billing complaints will increase and WSPs will require robust processes to address the needs of vulnerable consumers.

¹ Legal name Tiaki Wai Metro Water Ltd. Provisional name was Metro Water.

² *Economic Regulation of Tiaki Wai (Additional Disclosure)*, 7 May 2026, x.1, 2.1-2.7.

³ In telecommunications we deliver the government mandated dispute resolution scheme for the laying of fibre on shared property, and we also operate an independent and voluntary telecommunications scheme. Our voluntary telecommunications scheme is not an industry dispute resolution scheme under part 7 of the Telecommunications Act 2001.

⁴ Milford Sound Infrastructure is also a member.

⁵ Utilities Disputes, *Economic Regulation of Water Services – Information Disclosure (Draft Decision)*, 30 October 2025, 13- 18, [Sub](#).

Our core submissions are:

- We support the proposals of Com Com, and acknowledge the work begun by Tiaki Wai. The *Metropolitan Wellington Water Services Delivery Plan (Water Services Delivery Plan)* sets out the difficult starting point for Tiaki Wai, but signals Tiaki Wai is up for the challenge:

Levels of service and performance are variable and reflect known issues with water leaks, frequent wastewater overflows and flooding. Frequent and increasing numbers of asset failures are occurring due to deterioration and historic insufficient investment in renewals.

The regulatory compliance status reflects mixed performance across wastewater, stormwater, and water supply activities. This underscores the need for enhanced operational management, targeted investment in asset upgrades, and stronger alignment with regulatory expectations to ensure long-term environmental and public health outcomes.⁶

- Our submissions arise from our role as a complaint handler for water. It may be tempting to delay many of our proposals until much of the water infrastructure work is underway. However informing consumers and communities about their water supply and integrating their insights into business planning will be crucial to growing public trust in Tiaki Wai.
- We see the Local Government (Water Services) Act 2005 (the Act) as having a consumer and community orientation, coupled with a business focus in operations. These elements are not in competition, successful businesses know their consumers and communities, and are receptive to their insights through outreach, complaint analysis, and reporting on systemic issues.
- We support the introduction of performance regulation for Tiaki Wai. Tiaki Wai has already noted that Com Com has a role in benchmarking, and such performance regulation will encourage and support Tiaki Wai in its own goal setting. Com Com's example that it might monitor the development of Tiaki Wai's new information system illustrates how Tiaki Wai can be helped to achieve the deliverables it has planned.⁷
- We support making the operations plan more accessible to the public through definitions and explanations. This was a requirement of Wellington Water's information disclosure requirements. Such reports will help consumers understand how Tiaki Wai is performing. Distinguishing between complaints, customer service issues and leaks will ensure consumers can readily understand the report. Com Com is asked to revise the determination clause mandating such definitions and explanations by making it more prescriptive.

⁶ *Water Services Delivery Plan*, 4.

⁷ See *ibid*, 38. As we have noted previously Louise Dudley, CEO of Urban Utilities Queensland (2012-2022), advised water providers that, if she could rewind the clock, she would at the beginning of her term as CEO have brought online a new data management system. She encouraged the new WSPs to think about this in their planning. Louise Dudley, "Sharing my Lived Experience as CEO from Urban Utilities Queensland," 29 September 2025, Christchurch, 10th IWA Aspire Conference and Water New Zealand Conference and Expo (Pre-Conference).

- We were concerned that the consumer focused clauses in the *Water Services Information Disclosure Determination* were delayed. Therefore, we welcome making what is known as C7 mandatory for Tiaki Wai. C7 forms a charter for complaint handling and requires:
 - a. identification of particular consumer groups.
 - b. assessment of the impact of consumer groups on the network.
 - c. performance indicators to measure consumer satisfaction.
 - d. disclosure of how consumer satisfaction data and complaint data will inform operations.
 - e. disclosure of complaint management processes.
 - f. disclosure of call centre services.
 - g. approaches to new connections and connection upgrades, and how common issues are addressed.
 - h. disclosure of what information is provided to new consumers.

- We ask Com Com to introduce some additional disclosure requirements. We think there is benefit in asking Tiaki Wai to set out its processes for identifying systemic issues arising from complaints and for disclosure on complaint data points, such as:
 - a. the definition of a complaint.
 - b. definitions for complaint categories.
 - c. reporting of complaint resolution times.
 - d. reporting of complaint outcomes and customer satisfaction with outcomes.
 - e. number of staff assigned to complaints.

- Tiaki Wai is aware of many of the issues that will give rise to complaints. The *Water Services Delivery Plan* notes: consumer concerns about water meters;⁸ that there will be a large increase in water charges even when a conservative model is adopted;⁹ issues of affordability;¹⁰ and the need to assist vulnerable consumers. The price increases predicted in the *Water Services Delivery Plan* will hit consumers hard:

Average residential charges are forecast to rise from approximately \$2,100 per connection today to between \$5,700 (based on the target financial strategy of this WSDP) and \$4,800 (based on the lower-end financial scenario) by 2034.¹¹

We encourage Tiaki Wai to continue to embed its affordability and hardship programme noted in the *Water Services Delivery Plan*.¹² Monitoring by and/or disclosure of this plan to Com Com appears appropriate. We note the positive steps Tiaki Wai has taken in its Customer Charter to address these issues and the needs of vulnerable consumers.¹³

⁸ See *Water Services Delivery Plan*, 14.

⁹ *Ibid*, 70 (indicative).

¹⁰ *Ibid.*, 70-72.

¹¹ *Ibid.*, 4.

¹² *Ibid.*, 72.

¹³ See Tiaki Wai "Customer Charter," <https://haveyoursay.tiakiwai.co.nz/customer-charter>

Information Disclosure

Com Com issued two papers, the first suggests imposing performance requirements on Tiaki Wai as an additional regulatory tool. If performance regulation is approved, there would be a further consultation on its content. Performance regulation is defined this way:

The purpose of performance requirement regulation is to regulate the performance (other than in relation to prices) of water services supplied by regulated suppliers. In this context, we consider that the imposition of performance requirements would likely strengthen incentives for Tiaki Wai to invest efficiently, prioritise delivery in high-risk areas, and improve service outcomes over the long term, consistent with the long-term benefit of consumers.¹⁴

The second paper proposes amending the enduring information disclosure requirements for Tiaki Wai.¹⁵ Enduring information disclosure is Com Com's core tool for assessing the performance of WSPs. Com Com proposes Tiaki Wai:¹⁶

Obligations in addition to enduring ID requirements

- provide fault disclosure reporting about the time and number of faults it receives for water supply and wastewater so that this information is provided for each quarter.
- provide the fault information with a data confidence grading and a director's certificate.
- disclose the operations report that is tabled at each Tiaki Wai Partners Committee and in a way that supports public understanding and interpretation.

Amendments to enduring ID requirements

- on or before 31 July 2027 disclose its:
 - a) strategic asset management plan.
 - b) investment and delivery plan.
- on or before 30 November 2028 disclose its annual delivery report.
- on or before 30 November 2026 and each year after, disclose its wastewater network length and water supply network length.
- on or before 30 November 2026 disclose its actual network operating expenditure for the past financial year on each planned and unplanned maintenance of assets.
- on or before 31 July 2027 in addition to providing the yearly forecast information about operating expenditure and capital expenditure provide:
 - a) information on any variances from the water services strategy;
 - b) any risks to deliverability;
 - c) a verification report from an independent expert assessing the forecast information.

¹⁴ *Economic Regulation of Tiaki Wai (Performance Regulation)*, 7 May 2026, 3.6.

¹⁵ See *Information Disclosure for Water Service, Final Decision Summary Paper*, 24 February 2026.

¹⁶ The summary of some of the core elements of the proposals is to give context to the submission and aid the reader. For any other purpose an analysis of the draft determinations and explanatory materials will be necessary. The summary is based on the *Water Service Information Disclosure (Tiaki Wai) Amendment Determination 2026 (draft)*, *Tiaki Wai Economic Regulation Determination 2026 (Draft)*; & *Water Service Information Disclosure Determination 2026*.

- after 30 September 2026 disclose each quarter a report which:
 - a) disclose its progress in delivering the operating expenditures and capital expenditure; including any projects started or completed,
 - b) any significant changes to the risks in delivering the operating and capital expenditure.
 - c) its progress in delivering projects and programmes.

- on or before 31 March 2027 and then again on or before 31 March 2029 publish and an asset management maturity and capability assessment. This plan must include various elements including:
 - a) the criteria for any assessment.
 - b) whether it was conducted internally or externally.
 - c) the level of asset management practice measure, and whether it was achieved.
 - d) how outcomes have been included in the asset management plan and improvement plan.

- on or before 31 July 2027 disclose an asset management improvement plan informed by the asset management assessment, which is verified by an independent expert. This plan must include various elements including:
 - a) a list of each improvement with details describing the improvement.
 - b) how the improvements have been prioritized.
 - c) after each quarter Tiaki Wai must assess its performance in carrying out the plan.

- on or before 31 July 2027 disclose a plan specifying consumers or groups of consumers of water supply and wastewater services that sets out (summary of *Water Service Information Disclosure Determination 2026, C.7*):
 - a) the key characteristics of the consumers, how they interact with services, and what impact the consumers have on network operations, asset management objectives, and revenue.
 - b) the methodological assumptions used to determine the connections in each network, and the total number of consumers who receive the water services.
 - c) how consumer expectations are identified, and how expectations have shaped planning.
 - d) identifies any gaps in providing water services, and how those gaps will be addressed.
 - e) how consumer satisfaction is measured.
 - f) how consumer satisfaction and complaint data are used to inform operational management practices.
 - g) customer service practices including call centre services and the approach to planning and managing customer complaint resolution.
 - h) specifies the practices for one-off connections and connections for new developments.
 - i) sets how commonly encountered connection problems are addressed.
 - j) how consumer requests for alterations to existing connections are addressed.
 - k) describes the approach to minimising costs for new connections and altered connections.
 - l) the approach to planning and managing communication with consumers regarding new, altered or one of connections.
 - m) advises consumers about current or future constraints that may affect connection timing or feasibility,

Support for the Proposals

Utilities Disputes is supportive of the disclosure proposals. We make our comments as a provider of water dispute resolution services. We note the extensive work undertaken by Tiaki Wai, particularly in preparing the Metropolitan *Wellington Water Services Delivery Plan, August 2025 (Water Services Delivery Plan)*. The plan sets out the difficult starting point for Tiaki Wai, but in doing so acknowledges the issues to be addressed:

Levels of service and performance are variable and reflect known issues with water leaks, frequent wastewater overflows and flooding. Frequent and increasing numbers of asset failures are occurring due to deterioration and historic insufficient investment in renewals.

The regulatory compliance status reflects mixed performance across wastewater, stormwater, and water supply activities. This underscores the need for enhanced operational management, targeted investment in asset upgrades, and stronger alignment with regulatory expectations to ensure long-term environmental and public health outcomes.¹⁷

The Consumer and Community Orientation

We make our comments against the background of the consumer and community orientation of the Local Water Done Well reforms. This orientation is seen throughout the Act.¹⁸ Information relating to revenue, charging, expenditure, and levels of service, is to be transparent to consumers and their communities.”¹⁹ WSPs are also to:

- a. share efficiency gains with consumers, including when setting charges for water services.
- b. to act in the best interests of current and future consumers.
- c. provide water services that that are of a quality that meets consumer expectations.²⁰

Each water organisation is also to have an engagement policy whose purpose is to: “...enable the organisation, its shareholders, its consumers, and its communities to identify the degree of significance attached to particular issues, proposals, water services infrastructure, decisions, and activities.”²¹

The *Water Delivery Plan* expresses the collaborative and community approach throughout and concludes the establishment of Tiaki Wai: “...will depend on a partnership between councils and mana whenua, together with effective collaboration among councils, stakeholders, and the community to create a sustainable and efficient water service delivery model that meets the

¹⁷ *Water Services Delivery Plan*, 4.

¹⁸ Com Com has described the consumer viewpoint this way: “Another important aspect of asset management is whether—and if so, how—consumer perspectives are incorporated into decision-making processes, including how engagement activities and complaints analysis inform asset management practices and help address competing interests.” Com Com, *Information Disclosure for Water Service, Explanatory Paper*, 11 September 2025, para 2.81

¹⁹ The Act, s 2.

²⁰ See the Act, s 17 (objective summary not exhaustive); see also 232 re Water Services Strategy, and s 243 re Annual Report. Note one of the purposes of the Annual Report is to “to enable the water organisation’s shareholders and the public to make an informed assessment of the water organisation’s performance.”

²¹ The Act s 35.

needs of all users.”²² We note the partnering relationship with Ngāti Toa Rangatira and Taranaki Whānui ki Te Upoko o Te Ika and the expectation mana whenua will have: “...an active role at all levels of water services planning and delivery – from long-term planning, governance, operations/management through to engagement with communities.”²³

Business focus -Performance Regulation

The Act also mandates WSPs are to act “...in accordance with sound business practice.”²⁴ The community and consumer orientation is not in conflict with this business focus. Successful businesses understand their consumers and the communities they serve.

We see Com Com’s proposal to make performance regulation as an extension of the business practice requirement under the Act. As an example of performance regulation Com Com notes that it could set disclosure requirements about Tiaki Wai’s progress in delivering a new asset management system. This example illustrates how performance regulation can encourage important business steps, even when as in this case Tiaki Wai is aware of how crucial a new information system is to its success.²⁵ Therefore performance regulation by Com Com will encourage delivery of some of the more crucial projects, while Tiaki Wai will also be able to set additional performance aims arising from its own analysis. The *Water Services Delivery Plan* also appears to foreshadow this form of oversight in its acknowledgment that Com Com will have a role in benchmarking.²⁶

Disclosure of the Operations Report

The operations report is a required element of information disclosure for Wellington Water. Taking up proposals offered by Utilities Disputes and Delta Economics,²⁷ Com Com directed Wellington Water to include definitions for key terms and measures in the operation report. Com Com thought this proposal is cost effective and would help “....interested persons interpret the information provided in the operations report, further supporting their assessment of

²² *Water Services Delivery Plan*, 89.

²³ *Ibid*, 8.

²⁴ See the Act s 17.

²⁵ See *Water Services Delivery Plan*, 38. As we have noted previously Louise Dudley, CEO of Urban Utilities Queensland (2012-2022) advised water providers that, if she could rewind the clock, she would at the beginning of her term as CEO have brought online a new data management system. She encouraged the new WSPs to think about this in their planning. Louise Dudley, “Sharing my Lived Experience as CEO from Urban Utilities Queensland,” 29 September 2025, Christchurch, *10th IWA Aspire Conference and Water New Zealand Conference and Expo (Pre-Conference)*.

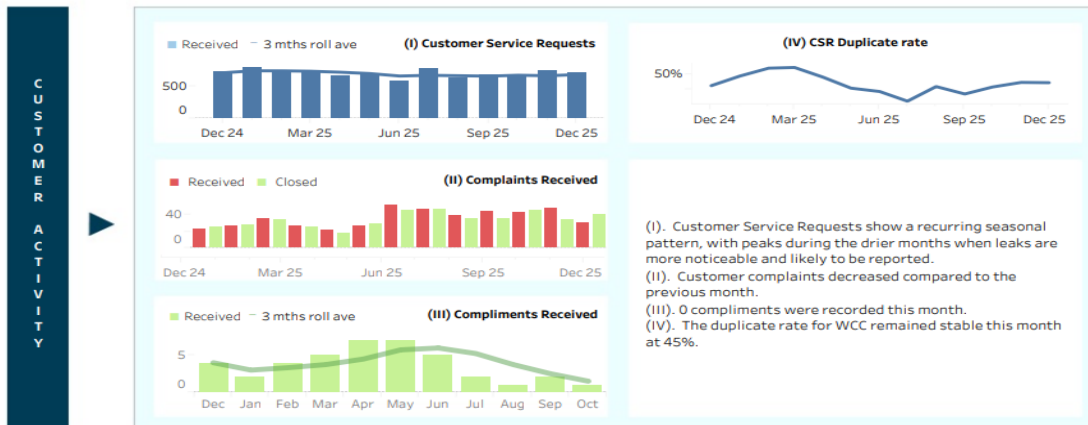
²⁶ See *Water Services Delivery Plan*, 73. See also press release “Tiaki Wai Welcomes Commerce Commission Consultation,” 7 May 2026.

²⁷ “The inclusion of definitions will also assist with interpretation of the report. For example, it is unclear when an interaction with Wellington Water makes a matter a complaint or a service request. Service requests are the greater category, while complaints are low. There are also panels for items such as leak repairs, and it is unclear if these matters if reported by a member of the public would also be included in the complaint or service statistics.” Utilities Disputes, *Foundational Information Disclosure for Wellington Water*, 27 June 2025, 4, [Sub.](#)

whether value for money is improving or not.”²⁸ However, the clause addressing definitions in the Wellington Water disclosure determination is broad:

Wellington Water must make reasonable efforts to ensure that each operations report that is publicly disclosed under clause 2.7.1 is, to the best of its ability, presented in a manner that supports public understanding and interpretation of the information provided.²⁹

The new Tiaki Wai draft determination, repeats this clause.³⁰ Wellington Water’s operations report for quarter 2 2025/2026 has the following panel:³¹



Comparing the panel with the panels before mandatory information disclosure it appears further work could have been done to take up Com Com’s invitation to make the report consumer friendly. Com Com is then invited to be more specific and directive in the Tiaki Wai Determination about what changes to the operations report are needed. Tiaki Wai, while starting its processes anew, has the opportunity to set the standard for uniform data management. Common and accurate data collection, accompanied by accessible explanations will enable consumers to assess the performance of Tiaki Wai and compare it with other WSPs.

Complaint Information

We took the view in our submission on the *Water Services information Disclosure Determination* that the complaint focused disclosure requirements needed to be brought in early. We noted the importance of C7, which addresses complaint handling.³² Proper complaint handling will assist a WSP to act in accord with sound business practices. As the Australian Commonwealth Ombudsman (ACO) observes complaints are a: “...valuable source of intelligence and offer agencies a unique perspective on what is and what is not working within their programs and services.”³³

²⁸ Wellington Water Information Foundational Disclosure, 12 August 2025, 4.8.

²⁹ Wellington Water Foundational Information Disclosure Determination 2025, 12 August 2025, 2.7.2 (emphasis not included).

³⁰ Economic Regulation Determination 2026 (Draft), 2.3.2.

³¹ Wellington Water, *Operations Report*, 11 February 2026, [Sub.](#)

³² See *ibid.*, 8-9.

³³ See Commonwealth Ombudsman, *Lessons in Good Complaint Handling, Findings from the 2010 Complaint Assurance Project*, Feb 2020, 22.

We therefore support C7 applying to Tiaki Wai, especially as C7 is a charter for complaint handling and ensures the consumer viewpoint is heard and integrated into the WSP's business processes. In summary C7 requires:

- a. identification of particular consumer groups.
- b. assessment of the impact of consumer groups on the network.
- c. performance indicators to measure consumer satisfaction.
- d. disclosure of how consumer satisfaction data and complaint data will inform operations.
- e. disclosure of complaint management processes.
- f. disclosure of call centre services.
- g. approaches to new connections and connection upgrades, and how common issues are addressed.
- h. disclosure of what information is provided to new consumers.

Data Analysis

Data analysis rests on data collection, and that discrete data points are identified. We have recommended previously that WSPs have a common complaint framework for the following data points:³⁴

- a. the definition of a complaint.
- b. definitions for complaint categories.
- c. reporting of complaint resolution times.
- d. reporting of complaint outcomes and customer satisfaction with outcomes
- e. number of staff assigned to complaints.

We request Com Com consider supplementing the requirements of C7 and mandate some additional disclosure for Tiaki Wai regarding these data points and their processes for identifying systematic issues arising from complaints. We also note the importance of good record keeping especially for water restrictions as this will help with resolving a complaint about these issues.

Monitoring Hardship

Tiaki Wai has begun to send out communications about separate billing, and the formatting of bills.³⁵ The *Water Services Delivery Plan* notes: consumer concerns about water meters,³⁶ increasing water charges even when a conservative model is adopted,³⁷ issues of affordability,³⁸ and assisting vulnerable consumers. All of these issues, as seen in electricity, will give rise to complaints.

The price increase predicted for water consumption will hit consumers particularly hard: "Average residential charges are forecast to rise from approximately \$2,100 per connection

³⁴ See Utilities Disputes, *Foundational Information Disclosure for Wellington*, 2-3.

³⁵ Tiaki Wai, "About Your Water Service Bill," <https://www.tiakiwai.co.nz/billing> See also other information: <https://www.tiakiwai.co.nz/updates>.

³⁶ See *Water Services Delivery Plan*, 14.

³⁷ *Ibid*, 70 (indicative).

³⁸ *Ibid.*, 70-72.

today to between \$5,700 (based on the target financial strategy of this WSDP) and \$4,800 (based on the lower-end financial scenario) by 2034.”³⁹

We therefore encourage Tiaki Wai to continue to embed its affordability and hardship programme noted in the *Water Services Delivery Plan*. Monitoring by and/or disclosure of this plan to Com Com appears appropriate:

In New Zealand, Auckland Council and Watercare offer hardship support mechanisms, including tailored payment plans and targeted utility relief.

It is expected that Metro Water will consider formalised affordability and hardship frameworks as part of a broader pricing and revenue strategy, including investigation of:

- tiered or concessionary tariffs for low-income households
- flexible payment plans, including smoothing and hardship write-offs
- targeted grants or credits, particularly during pricing transitions.

Further consideration of options will be undertaken by Metro Water once established.⁴⁰

We note the positive steps Tiaki Wai has taken in its Customer Charter to set up processes addressing hardship and the needs of vulnerable consumers.⁴¹

Next Steps

We support Com Com’s other proposals which will also inform consumers and help with the task of reforming water supply in the Wellington metropolitan area. The issues we raise here arise principally from our role as a complaint handler for water. It may be tempting to delay their implementation until much of the work around water infrastructure is underway. However informing consumers and communities, about their water supply, and integrating their insights into business planning will be crucial in growing public trust in Tiaki Wai.

If you have any questions, please at the first instance contact me at: paulb@udl.co.nz



Paul Byers
Legal and Policy Officer

³⁹ Ibid., 4.

⁴⁰ Ibid., 72.

⁴¹ See Tiaki Wai “Customer Charter,” <https://haveyoursay.tiakiwai.co.nz/customer-charter>