

From: [Jenny Lapham](#)
To: ["Ruby Shaw"](#)
Subject: FW: Local Government Official Information and Meetings Act Request - Cr Ong - Code of Conduct
Date: Wednesday, 29 July 2026 02:34:00 p.m.
Attachments: [0.png](#)
[Code of Conduct 18 May 2026_Redacted.pdf](#)
[Minute Extract Council 18 May 2026.pdf](#)

Kia Ora

I refer to your e-mail below and my e-mail of 2 June 2026 extending the time to respond to your request to 22 July 2026. You have asked the following questions and our response is below each question.

1. I would like to request a copy of the investigator's report councillors considered in non-public on Monday May 18 regarding Cr Benedict Ong's code of conduct breach.

A copy of the Investigators report is attached. Please note some information has been redacted pursuant to the Local Government Official Information and Meetings Act 1987 (LGOIMA). The particular reason for each redaction is included with the report being:

S7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

S7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.

S7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

S7(2)(f)(i) – To maintain the effective conduct of public affairs through -the free and frank expression of opinions by or between or to members or officers or employees of any local authority in course of their duty.

2. Can I also be supplied the meeting's minutes, including the motion and its mover and seconder, any votes recorded against and any failed or foreshowed motions.

A minute extract from the Council meeting 18 May 2026 is attached.

3. I would also like detailed costs relating to the two code of conduct investigations in to Cr Ong's behaviour (which were considered at council meetings on March 25 and May 18) and costs for the investigation into the complaint he laid against Cr John Chambers.

The costs relating to the investigation of the 2 complainants is \$17,217.23

4. To date, how much has the council spent on legal advice regarding Cr Ong's behaviour? Can this be broken down by month?

The total legal fees at the time of your request are \$9,852.00, we do not hold this information by month and therefore this part of your request is declined pursuant to 17(f) that the information requested cannot be made available without substantial collation or research.

- 5 Have any other code of conduct complaints been laid regarding Cr Ong's behaviour.

There is currently one complaint under investigation.

- 6 What is the nature of these complaints, when were they laid and by whom?

The complaint was from the Deputy Mayor Cherry Lucas, who alleged Cr Ong has again publicly posted confidential information and criticised the Council's Chief Executive on social media.

I note that you have the right to seek an investigation and review by the Ombudsman of this decision. Information about this process is available at www.ombudsman.parliament.nz or freephone 0800 802604

Kā mihi

Jennifer Lapham

LGOIMA Officer

Governance Group

P 03 477 4000 | E Jenny.Lapham@dcc.govt.nz

Te Kaunihera a Rohe o Ōtepoti - Dunedin City Council

PO Box 5045, Dunedin 9054

New Zealand

www.dunedin.govt.nz

From: webmaster@dcc.govt.nz <webmaster@dcc.govt.nz>

Sent: Monday, 25 May 2026 2:15 p.m.

To: Official Information <officialinformation@dcc.govt.nz>

Subject: Local Government Official Information request - 1298195

Ruby has submitted a LGOIMA request - 1298195.

Below are the details of the request

Request details:

Afternoon, Under the Local Government Official Information and Meetings Act I would

like to request a copy of the investigator's report councillors considered in non-public on Monday May 18 regarding Cr Benedict Ong's code of conduct breach. Can I also be supplied the meeting's minutes, including the motion and its mover and seconder, any votes recorded against and any failed or foreshowed motions. I would also like detailed costs relating to the two code of conduct investigations in to Cr Ong's behaviour (which were considered at council meetings on March 25 and May 18) and costs for the investigation into the complaint he laid against Cr John Chambers. To date, how much has the council spent on legal advice regarding Cr Ong's behavior? Can this be broken down by month? Have any other code of conduct complaints been laid regarding Cr Ong's behaviour? What is the nature of these complaints, when were they laid and by whom? I note agencies are obliged to respond to requests as soon as reasonably practicable and no later than 20 working days after the date of receipt. Kā mihi, Ruby

File attachment (file name)

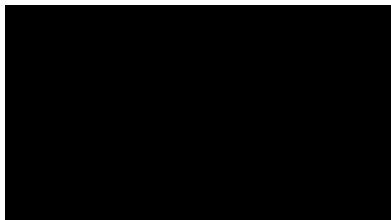
No file uploaded

Name

Ruby Shaw

Email address

ruby.shaw@odt.co.nz



If this message is not intended for you please delete it and notify us immediately; you are warned that any further use, dissemination, distribution or reproduction of this material by you is prohibited..

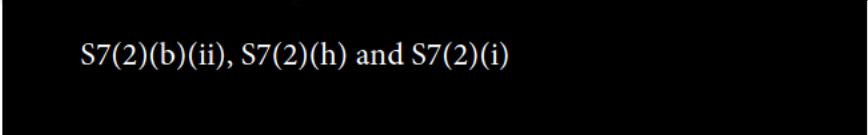


6 May 2026

Sandy Graham
Chief Executive
Dunedin City Council
Email: sandy.graham@dcc.govt.nz

Tēnā koe Sandy

Code of Conduct Complaint regarding alleged confidentiality breach by Councillor Benedict Ong – final report

1. Thank you for instructing me to undertake the investigation of your complaint regarding the release of confidential information by Cr Ong. I have no conflict of interest in undertaking this process.
2. Your complaint was contained in an email to Cr Ong dated 29 April 2026, setting out alleged breaches of the Dunedin City Council Code of Conduct. The attached emails included one timed at 10.28pm on 20 April 2026. It is one of a series of emails sent by Cr Ong to a range of people, including the Elected Members of Council, ELT, someone at the NZ Super Fund, and several journalists.
3. In this email, Cr Ong stated: 

S7(2)(b)(ii), S7(2)(h) and S7(2)(i)
4. In response, (omitting recipients outside of Council) Cr Andrew Simms stated: 

S7(2)(f)(i)
5. Cr Ong responded, copying back in media representatives, stating Cr Simms had misunderstood or misconstrued the question Cr Ong had posed, and stating a lack of public information from Council is addressed by the LGOMIA.
6. The second series of emails dated 21 April 2026 commenced with an email from Tim Loan, Chair of Dunedin City Holdings Limited to the Chief Executive. 



S7(2)(f)(i)

7.

S7(2)(f)(i)

8. Cr Ong replied to all at 3.48pm, copying in media representatives, stating: *"I want to make clear to Chief Executive Graham or Cr. Simms or any other Executive and fellow Elected Members - it most certainly should not be intentionally or unintentionally misconstrued the questions that are posed by myself, or any other Councillors for that matter, that are unaware of any specific discussions DCC Executive Leadership has not shared with us and did not share with us. If any one (other than myself) asks a question and you have not replied to it nor ever shared what ought to be shared to Elected Members, it is our right to ask it if we see similarities in what is widely and publicly reported in possible opportunities that can apply similarly to our City that have been done before in our other sibling Councils-Cities. To Chief Executive Graham, the questions I have asked have been for all our public media to see and kindly do not misconstrue these falsely, otherwise our media may interpret this as a pattern and a pattern of lack of Council transparency for our Community."*
9. You provided evidence of media enquiries about the disclosure and The Otago Daily Times ran a story in the paper the same day. I note your email to Cr Ong advising him of your Code of Conduct complaint and this investigation process requested he maintain confidentiality about the process. Despite this, 6 minutes later, Cr Ong responded to you and copied in a range of media representatives. Further emails with media followed.
10. In relation to the status of the information Cr Ong disclosed to the media and other parties outside Council, you provided an email exchange with Mr Loan early in the morning of 21 April 2026, in which Mr Loan advised: *"This is not public information. It was discussed in a non-public workshop. I'm not aware of any public forum in which there has been discussion*
S(2)(
11. I sent you an email dated 4 May, seeking clarification about which of the emails sent by Cr Ong to the media were part of the complaint, and asking for further information about the confidential nature of the information which was the subject of the disclosures and complaint.
12. Your response dated 5 May clarified that all the emails with media about matters which were provided to Cr Ong in confidence, and the emails requesting confidentiality, were technical breaches. You left it to me to determine whether they should be included in this

process. In my assessment, they are all part of a continuing course of conduct and I have treated them all as within the scope of the complaint.

13.

S7(2)(b)(ii), S7(2)(h), S7(2)(i)

S7(2)(b)(ii), S7(2)(h), S7(2)(i)

14. You also provided the PowerPoint presentation from the workshop. The presentation pack was entitled “Commercial in confidence”. Slides 16 – 20 **S7(2)(b)(ii), S7(2)(h)** were marked in red “COMMERCIAL IN CONFIDENCE”.

15. You have referenced that the conduct allegedly breaches the Code of Conduct as follows: *sections 6.2 and 7.1 of the Code in relation to the disclosure of confidential information. section 7.1 notes that elected members will receive information that is confidential as part of their role. It further states that “members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member”.* Further section 6.2 states “media comments must observe the other requirements of the code; for example, **comments should not disclose confidential information...**”(emphasis added).

16. I was required under step 2 of Appendix B of the Dunedin City Council Code of Conduct for Elected Members to assess whether the complaint is:

- a. frivolous or without substance and should be dismissed;

- b. outside the scope of the Code and should be redirected to another agency or process;
 - c. non-material; and¹
 - d. material and a full investigation is required.
- 17. 'Material' is defined by clause 12.4 of the Code as something which would, in the opinion of the investigator, if proven, bring a Member or the Council into disrepute or, if not addressed, reflect adversely on another member of the Council.
- 18. In my opinion, something material has to be serious and inconsistent with the values and expectations of elected representatives, as well as potentially bringing Council or the Member into disrepute.
- 19. According to step 2, in making the assessment, I may make whatever initial inquiry is necessary to determine the appropriate course of action. I have full discretion to dismiss any complaint which, in my view, fails to meet the test of materiality.
- 20. In my opinion, Cr Ong's action in disclosing information that was clearly marked Commercial in Confidence, received in a non-public meeting, was a serious matter. On its face, the disclosures were not for a purpose related to the purpose for which the information was provided to Cr Ong.
- 21. Cr Ong's repeated copying in of journalists to the ensuing email exchanges (also marked confidential) compounded the breach of confidentiality. It appears highly likely that Cr Ong's repeated breaches of confidentiality were deliberate.
- 22. In my assessment, Cr Ong's repeated conduct is material in terms of the Code of Conduct. His conduct was a serious breach of the standard of behaviour expected of elected representatives. The conduct has caused impact in terms of media coverage and has potentially compromised Council's and its subsidiary's commercial interests. That makes it a particularly serious breach.
- 23. I therefore assessed the breach is material and serious, and warranted investigation in order to enable me to make findings. The required steps would be providing Cr Ong with the additional documentation and information I have received and giving him the opportunity to respond. Given the fact that the evidence is all in writing, I did not consider it necessary to interview other people involved in the workshop and email exchanges. The information I obtained confirms the clearly confidential status of the information Cr Ong disclosed.
- 24. In order to meet the requirements of natural justice, I provided my preliminary assessment report and supporting information to Cr Ong, and invited any feedback or additional information he wished to provide, before I finalised the assessment and any investigation. I emailed the material to Cr Ong at 4.23pm on 5 May. I requested that Cr Ong maintain confidentiality as requested by the Chief Executive.
- 25. Cr Ong responded at 7.19pm that evening, copying in 2 journalists from the ODT. Cr Ong's response indicated he did not intend to spend time rebutting the assessment. He stated: *I fully agree with the two principles of natural justice and additionally public transparency on public assets and any accompanying public false attacks by our Public's Council highest in*

¹ ("and" can sensibly only be read as "or")

authority. Therefore, our being in agreement with natural justice, I am most naturally providing your possibly highly subjective assessment onwards to the our [sic] Public Media to ensure our shared principles of natural justice. I hope this accords your long billable hours of legal work its due justice too.

26. Cr Ong seems to have conflated public accountability or transparency of elected officials with public disclosure. That is a false equivalence.
27. I took it from his email that Cr Ong had no response to the allegations set out in the complaint and the assessment of materiality I had reached. I therefore confirm my preliminary assessment, that Cr Ong breached the Code of Conduct in a material way by disclosing commercially sensitive and confidential material to members of the public and the media. Cr Ong was well aware the information was not in the public arena and it was clearly marked as confidential.
28. Cr Ong is bound by the Code as an Elected Member, which includes an undertaking to keep confidential information in confidence. He has breached that requirement repeatedly in relation to S7(2)(h) issue, and this process. I assess this as a serious breach as it is repeated and deliberate. Cr Ong simply refuses to respect his obligations under the Code of Conduct.

Nāku iti noa, nā



Steph Dyhrberg Barrister

Minute Extract Council 18 May 2026 – Confidential Minutes – Released under LGOIMA

The Chief Executive left the meeting at 1:32 p.m.

Mayor Sophie commenced to introduce the Code of Conduct Complaint in relation to Councillor Benedict Ong report.

At 1:33 p.m. - Cr Ong stood from his seat, declared himself as not able to be in the confidential meeting and declared himself as barred from attending confidential meetings and left the meeting

Michael Garbett (Partner, Anderson Lloyd) provided legal guidance on proceeding with the code of conduct, including that only one of the penalties or actions under the Code of Conduct clause 13.1 were able to be imposed.

At 1:36 p.m. based on advice from Mr Garbutt, Scott MacLean (General Manager City Services) as Senior Officer left the meeting to speak with Cr Ong in the foyer area outside the Council Chamber. He returned and advised that he was unable to speak directly with Cr Ong as he was being interviewed by the media.

Mr Garbett provided further guidance and noted that Cr Ong had been provided written opportunity by the CEO to speak at the meeting. Mr Garbett responded to questions regarding the options detailed in the report.

At 1:41p.m. Mr MacLean left the meeting again and spoke with Cr Ong, invited him to return to the meeting and advised Cr Ong that he was welcome to speak to the Code of Conduct Complaint.

At 1:42 p.m. Mr MacLean returned to the meeting and advised that Cr Ong refused the request to return to the meeting.

REPORTS

C1 CODE OF CONDUCT COMPLAINT IN RELATION TO COUNCILLOR BENEDICT ONG

A Code of Conduct Complaint in relation to Councillor Benedict Ong was laid by the Chief Executive as per the process set out in the Code of Conduct. The complaint related to alleged breaches of confidentiality by Cr Ong and presented the Code of Conduct investigation to the Council.

Mayor Sophie spoke to the findings of the Steph Dyhrberg report and the impact of the breach of confidentiality on Council.

Moved (Mayor Sophie Barker/Cr Cherry Lucas):

That the Council:

- a) **Accepts** the findings of the independent investigator, Steph Dhyrberg in her report called “Code of Conduct Complaint regarding alleged confidentiality breach by Councillor Ong – final report”, dated 6 May 2026 and determines that the report should remain confidential.
- b) **Decides** that Cr Ong has materially breached the Dunedin City Council Code of Conduct
- c) **Suspends** Cr Ong from all Council Committees and Subcommittees for a period of nine months from 18 May 2026 to 18 February 2027.
- d) **Appoints** the Mayor as the spokesperson on this matter and authorises her to make a short statement about the outcome of this Code of Conduct matter.

Motion carried (CNL/2026/001)