

A legitimate citizen? (B)

Four years later Shane Jones' act of compassion looked very different. In May 2012 Liu was prosecuted for fraudulently obtaining his citizenship. Officials made startling revelations in open court. It seemed that Liu had used friends to support his application. Among them were leading politicians: Dover Samuels, a long-serving Labour MP and a minister until having to stand down; Pansy Wong, who was a National MP and New Zealand's first Asian minister until having to stand down, and Chris Carter, a minister and long-standing Labour MP until having to stand down.¹

The citizenship officer from the Manukau office testified that Liu was confident that departmental objections to his character would not prevent his application for citizenship. When he was told that the department would recommend against the grant of citizenship, Liu had leaned back in his chair, with his arms behind his head; he was "99 per cent confident of success" he said because "he had a lot of support from members of Parliament . . . he was going to take them to China."²

The process that was described in court looked hasty at best. Evidence showed that before he recused himself the minister, Rick Barker, had written to expedite Liu's application; a senior official had intervened to stop investigations into Liu and to bring the case to the minister; and politicians had organised a rapid citizenship ceremony to make Shane Jones' decision final.

This case has been written by Adjunct Professor Mark Prebble and John Yeabsley, with research assistance from Meg Prebble. We are grateful to Hon Shane Jones for reviewing a near-final draft. It has been prepared as a basis for class discussion rather than to illustrate either effective or ineffective handling of a managerial situation, drawing largely on the Auditor-General's March 2013 report *Inquiry into Decision by Hon Shane Jones to Grant Citizenship to Mr Yang Liu*.

Cases are not necessarily intended as a complete account of the events described. While every reasonable effort has been made to ensure accuracy at the time of publication, subsequent developments may mean that certain details have since changed. This work is licensed under Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International Licence, except for logos, trademarks, photographs and other content marked as supplied by third parties. No licence is given in relation to third party material. Version 25022014. Distributed by the Case Program, The Australia and New Zealand School of Government, www.anzsog.edu.au



¹ Dover Samuels lost his ministerial post in a Cabinet reshuffle in 2007 and left parliament as a list MP in 2011; Chris Carter was suspended then ultimately expelled from the Labour Party in 2010, while Pansy Wong resigned from Parliament in 2011 over the misuse of travel perks.

² *Dominion Post* 22 May 2012 "Immigration case poses risk to Labour".

More serious than any of this was the revelation that Jones' decision had cut across an investigation that the Immigration Service had under way into the question of whether Liu's residence should be revoked, and subverted the effectiveness of an earlier decision by Australian authorities.

In the event, Liu was not convicted, but the damage was done. Shortly after the case Shane Jones, now in Opposition, was demoted from the Labour front bench and stripped of his shadow-portfolio roles while the Auditor-General looked into the grant of citizenship.³

Shane Jones had ten months in political limbo waiting for the investigation to reveal what had occurred. In May 2013 he was exonerated as the Auditor-General reported that she had found no evidence of any "improper motive, collusion or political interference."⁴ More specifically she said:

"In our inquiry, we found no evidence that any of the politicians connected to Mr Liu attempted to interfere in an improper way in the decisions made about the management of his file or to improperly influence the decision that was eventually made."⁵

Far from being a corrupt process with political favouritism, the Auditor-General found that major fault lay with the department.

"In our view, the information and advice that the Department gave Mr Jones about Mr Liu's application was inadequate... As a result, when Mr Jones made his decision, he did so without having all the important information. Nor did he fully understand the factors that were legally relevant to the decision or the effect his decision would have on the ongoing immigration investigation."⁶

Jones was able to resume his active roles and six months later he was ranked number three in the Labour's parliamentary opposition line-up.

In the five years since Liu was granted citizenship there had been considerable change in the leadership of the Department of Internal Affairs. As a result, though, the managers of the department acknowledged the need draw lessons and provide better service than had occurred in 2008, there was no attempt to impose retroactive accountability on any of the officials who had been involved.⁷

³ *Inquiry into Decision by Hon Shane Jones to Grant Citizenship to Mr Yang Liu* (March 2013), hereafter Auditor-General Report.

⁴ Auditor-General Report, page 5.

⁵ Auditor-General Report paragraph 5.61.

⁶ Auditor-General Report, pages 6-7.

⁷ Conversation with Doug Craig, Deputy Commissioner, State Services Commission, October 2013.