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Submission

To: Minister of Internal Affairs; Minister for Senior Citizens

Copies to: Minister of Local Government, Hon Mark Burton; Acting Minister for Social Development and Employment, Hon Steve Maharey; Opposition Spokesperson on Senior Citizens' Issues, Sandra Goudie; Associate Minister for Senior Citizens, Rt Hon Winston Peters; Hon Peter Dunne; Retirement Commissioner, Diana Crossan.

The Rates Rebate Scheme

3 August 2007

*"Older people see 'home' as a place of security and refuge, a place where they can express their individuality, retain control over their lives and remain independent."*¹

Introduction

Age Concern New Zealand He Manaakitanga Kaumatua Aotearoa and **Grey Power New Zealand Federation** have combined to present this submission expressing our alarm at the Rates Rebates Scheme.

The Rates Rebate Scheme is failing to assist many in need. We call for review of the scheme before the next round of rates-increases commence.

¹ Implications of Population Ageing – Opportunities and Risks, (Boston & Davey) Institute of Policy Studies, 2006, p.253.

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Background

Age Concern

Age Concern New Zealand is a national organisation that works for the rights and well-being of older people, koroua and kuia. It informs and advocates, and provides services to older people through a federation of Age Concern councils across New Zealand.

The national office provides strategic leadership on issues affecting older people and supports the development of local councils. Thirty-five councils, associates and branches provide support services and information direct to older people in their communities and all main centres throughout New Zealand. Their services have been developed in response to local needs.

Age Concern New Zealand is a not-for-profit charitable incorporated society.

Our vision is:

An inclusive society where older people, koroua and kuia are respected, valued, supported and empowered.

Age Concern New Zealand works to these principles:

Dignity	To respect the dignity and uniqueness of every person as an individual and as a valuable member of society.
Wellbeing	To ensure that older people/koroua/kuia are given the opportunity to achieve physical comfort, engage in satisfying activities and personal development and to feel valued and supported.
Equity	To ensure that older people/koroua/kuia have an equal opportunity to achieve well-being by directing resources to help those disadvantaged or in greatest need.
Cultural Respect	To respect the values and social structures of Maori and people of all cultural and ethnic backgrounds, demonstrating respect by working together to gain mutual understanding.

Grey Power

Grey Power New Zealand Federation Incorporated is a national non-profit non-political organisation which works for the rights and well-being of older people, 50 years of age and upwards.

The aim is to achieve a reasonable, secure and protected standard of living for all older persons, and to represent and so benefit any who are disadvantaged in any way.

The vision of Grey Power is identical with that of Age Concern, particularly in regard to the respect, value and support that older persons deserve.

The objects of the Federation are:

- (a) To advance, support and protect the welfare and well-being of aged persons in New Zealand, both directly and in conjunction with other organisations or bodies with similar aims or purposes.
- (b) To promote and achieve the widest possible identification of the Federation in New Zealand as one of the two most appropriate and effective representatives of aged persons and their special concerns, Age Concern being the other.
- (c) To promote, establish and maintain links with organizations, sharing the values and beliefs of the Federation.
- (d) To uphold the status of the aged as important members of New Zealand society.
- (e) To educate and inform organization, institutions other bodies, and the public for the purpose of bringing about a better understanding of the particular needs of the aged and the ability of the aged to contribute to the public good.
- (f) To foster public participation in New Zealand's social policy through discussion, research and submissions.

Overview

The original intent of this submission was to put forward the plight of residents in retirement villages under licence to occupy who are excluded from the Rates Rebate Scheme.

But together, our organisations identified significant additional flaws in the Rates Rebate Scheme. These additional flaws are serious and should not be overlooked.

Submission overview:

1. The Rates Rebate Scheme (the scheme) is failing in its purpose;
2. Older persons resident in licence to occupy retirement villages are excluded from the scheme by a legal technicality that is not justified;
3. Devolution of the scheme to Work and Income is recommended to tackle unnecessary duplication and barriers to applying, such as difficulty completing the forms and privacy concerns;
4. Arbitrary and savagely progressive income thresholds render the scheme unjust in some cases; this causes problems for some vulnerable older persons;
5. The level of subsidy is too low and is insufficient to protect persons facing hardship caused by rates rises.

Submission:

1 Rates Rebate Scheme, failing its purpose

The scheme was established in 1973 to provide a subsidy to low-income homeowners on the cost of their rates.² The Prime Minister stated the scheme “is to assist lower income families to overcome the problems arising from overwhelming increases in local authority rates, especially since 2000.”³

Together with rising property prices, rising rates are a painful fact of life in New Zealand. Aside from the affect it has generally on homeownership, rates rises have a pronounced impact on those with a low fixed income, i.e. most older New Zealanders. Rates increases cause financial stress⁴ and hardship to older persons. Some older persons are forced to move away from the areas they have lived for most of their lifetimes – by unaffordable rates.

We submit that to be more successful at cushioning low-income home owners from high rates rises, the scheme should be administered differently and changes to the policy framework are required.

The scheme also fails to cover rates-like charges made by local authorities through local authority trading enterprises. Water and waste water charges and rubbish collection services which were once included in rates are now being separately charged without any balancing decrease in rates. Older people also have to pay these new council charges from their fixed incomes, without any hope of rebate relief. We submit that rebates should include LATEs’ charges.

Case study 1:

Mrs A⁵ is a 75-80-year-old widow who lives alone in the Bay of Islands. Her 2-bedroom cottage is of a modest standard and requires upgrading, however it sits on valuable waterfront land.

Despite her modest home and low consumption of local authority services, Mrs A’s 2005/6 rates bill was for \$3600 pa, an increase of 330% since 2000. In this time her income, derived almost solely from the GRI has only increased 17%. Although she is eligible for close to the maximum \$500 rates rebate, this is just a drop in the bucket of her \$3600 and rising rates bill.

² Implications of Population Ageing, p.258.

³ Based on an answer given by the Prime Minister at a Conference of Grey Power delegates in 2005.

⁴ Implications of Population Ageing, p.257.

⁵ Case study identities are disguised to protect privacy; (disclaimer) care has been taken to ensure accuracy however Age Concern New Zealand Inc and Grey Power Federation New Zealand Inc take no responsibility.

Mrs A is now facing serious distress and hardship paying her rates and the local authority's announcement of higher rates for 2007/08 is increasing her stress. (*see Case Study 5 also*)

2 Unjust exclusion – recognise Licence to Occupy retirement villages

Of the Grey Power Federation's total members of almost 90,000, some 14.2% are retirement village residents. Of these, 78.8% are widows living alone and of the total, 27.9% are dependent solely on New Zealand Superannuation with no other income and 50.4% have \$20 per week or less (net) in addition to the guaranteed retirement income (GRI).

We suggest there is a common misapprehension, particularly amongst Government agencies, that retirement village residents are affluent. Our information suggests the opposite: retirement village residents have a low income in most cases.

To enter a retirement village many older persons have sold the family home and have spent the proceeds purchasing a lifetime Licence to Occupy. They have few if any other assets and live solely off the GRI.

Fees range from \$120 to \$240 per week. The amounts left for residents to live on are insufficient; thus some are living in poverty.

Rates rebate brochures highlight failure:

Older persons find brochures like this one for the Rates Rebate Scheme⁶ helpful because they replace often complex legal rules with plain and simple statements that people find easy to understand. Without "secondary information" like this there is a danger statutory entitlements could become inaccessible due to barriers to entry.

The brochure⁷ states prominently 'The Rates Rebate Scheme benefits people who pay rates for the home in which they live, and whose incomes are low.' We agree the statement accurately sums up the intent of the Act: likewise it corresponds to the Prime Minister's comments and with leading research in this area. But it is not the case.

We argue this is a case of legislative overkill, which occurs when legislation goes into great detail to protect against abuse; however the detail opens up unforeseen consequences. In this case, facts have arisen that simply don't fit the legislation. Some people who should qualify in terms of the overriding intent of the Act have been rendered ineligible for the scheme.

⁶ Rates Rebate Scheme, Department of Internal Affairs, Wellington 2006

⁷ Ibid.

Our investigation found most residents in retirement villages pay rates, regardless of whether their ownership is based on Unit Title or Licence to Occupy. Rates are itemised, and might be a percentage of the total rates or separate units. Residents in a Licence to Occupy retirement village are treated unequally because their “home” does not meet the definition of ‘property’ although a unit title does.⁸ To make matters more complicated, the loophole is not contained in the Rates Rebate Act but a subsequent Act.⁹

We recommend government review the scheme and fix the legislation so that all retirement village residents can participate.

The following amendment to the principal Act could affect the change required (amendment to section 2(1) of the Rates Rebate Act):

property has the same meaning as the term “rating unit” in section 5A of the Rating Valuations Act 1998; but includes other interests in property such as a licence to occupy title in a retirement village

We assert that **all** retirement village residents should be eligible for the scheme on the same basis as everyone else.

Requirement for declaration exposes older people to risk:

The brochure does not refer to the Oaths and Declarations Act, however it intends for a declaration to be completed.

A person reading the form may miss the instructions to get the form signed by a JP, lawyer etc and instead complete that section themselves. The form does not say why the applicant must complete a declaration. In fact, they could be held accountable for a serious offence under the Crimes Act (s.111 and s.114) if they present the application not properly witnessed or if they make a false declaration.

As an interim measure, the brochure should contain reference to the Oaths and Declarations Act; though more helpful instructions would be better. (With respect to our recommendations under point 3, devolution to Work and Income should remove the need for a statutory declaration).

⁸ A recent survey by the Retirement Commission found that 89% of retirement villages are licence to occupy titles compared to 10% unit title. “Retirement Villages Survey 2006”, Retirement Commission (AC Nielsen), December 2006.

⁹ The substantive issue is the definition of the word ‘property’, deemed the same as in Rating Valuations Act 1998; under the latter Act licence to occupy is not a form of property.

Case study 2:

Mr P is a 75-80-year-old widower who bought a unit in a retirement village six years ago. Although he would have preferred a unit title, all the retirement villages in his area only offer Licence to Occupy contracts, so he had to agree to this form of ownership.

Mr P pays a weekly fee charged by the village operator/owner to cover all of the cost of running the village including all local body and regional rates. The operators operate on total cost recovery so they contribute nothing.

He is concerned for his future as the village operator has foreshadowed large increases in the weekly fee, “owing to increased costs - particularly local authority charges and rates.” Mr P receives little income above the GRI and is worried that he will be unable to pay increased fees. Already he is eating into his small savings to pay the weekly management fee. The ownership structure prevents him borrowing in any way against his property.

Desperate for help, Mr P sought a rates rebate. He checked the Rates Rebates website¹⁰. Under **‘How to Apply’** he relied on the statement:

‘Note: If your name is not on the rates bill you must have a letter from the person whose name is on the rates bill stating what the total rates are and how much you pay towards them.

Based on this, Mr P appeared eligible: he had received an annual financial statement from the operator clearly itemising his contribution to the total rates bill of the retirement village. He submitted his application for rates rebate in the usual way. Based on his income (little more than the GRI) and the size of his rates contribution he should have been eligible for the maximum \$500 rates rebate.

The local authority at first accepted his rebate claim. Later he was advised that it had been rejected by the Department of Internal Affairs because he did not own the property he was claiming a rebate for.

¹⁰ <http://www.ratesrebates.govt.nz>, section of the Department of Internal Affairs website, accessed 20 June 2007

3 Devolution to Work and Income

The most recent round of the Rates Rebate Scheme closed on 30 June 2007. Initial indications were that 46 percent of those originally estimated to be eligible successfully received a rebate payment. Within this overall figure, there were notable highs and lows across local authorities, ranging from one-third to two-thirds of those eligible having applied¹¹. We believe this success rate must be improved.

Compliance and eligibility requirements for the scheme are onerous. Information on income and living arrangements which in most cases has been supplied already to Work and Income has to be reassembled and submitted to Department of Internal Affairs via the local authority.

Some older people have privacy concerns. In smaller towns, some are stressed and embarrassed by having to submit personal and confidential income information to local authority staff they may know or who live in their close vicinity.

The requirement to have a Justice of the Peace or other authorised person countersign all application papers is often difficult for older persons, especially the poor or housebound (see later).

Advice – as with other potential additional benefits – is not freely available or given, and advice and assistance in filling-in the form is not available from a government agency.

Rather, the burden of compliance has been shifted to community organisations like ours. Some provide advice and form filling assistance where needed, and get no government funding for doing so. This represents time spent in “re-inventing the wheel”, i.e. inefficiently because of lack of central (government) coordination.

Administration of the scheme through local authorities has been inconsistent, contributing to the widely variable response rate. Also, in some cases local authorities provided advice which was incorrect. One example was the demand by some councils for payment in full before rebates would be issued.

We consider that Work and Income is better suited to administer the scheme and better placed to proactively promote it to eligible people. We therefore recommend devolving the scheme to Work and Income.

Not devolving this scheme to Work and Income would allow an information silo to remain. There is what can only be described as an absence of operational reciprocity: communication and common goals are not shared between Work and Income and the Department of Internal Affairs (DIA). In giving Work and Income the majority of benefits

¹¹ Data supplied to Age Concern NZ by Rates Rebate Team, Local Government Services, Department of Internal Affairs, July 2007

for older persons and the DIA responsibility for this lone scheme it is natural the small scheme can be overlooked by older people, who really need schemes like this 'to come to them'.

To be cost-effective for clients, they need to be assessed for the scheme at the same time as processing another application. Offering the scheme at the same time that older people reapply for NZS is just one example of ways in which the scheme could be more client-focused (and the application process less onerous).

Devolution to Work and Income is the preferred means of achieving this.

Case study 3:

Mrs S is recently widowed and lives in her family home in Christchurch. She receives national superannuation and has several small investments; however she still qualified for a partial rates rebate. She is almost housebound and has mobility difficulties.

Mrs S was keen to receive the rates rebate but felt defeated by the need to gather together all the paperwork relating to her investments to confirm her income. Her husband had handled all this paperwork when they applied for Work and Income benefits and she despaired of repeating the process. She was also unable to leave her house to have the application papers signed by a JP.

Mrs S asked her solicitor for to help her prepare the application, but the solicitor's quote for this work far exceeded the rebate. She was about to give up when she heard that the local Age Concern offered a free service to assist her. Age Concern helped her complete her application.

4 Scheme income thresholds adversely affecting older people

Under the present Rates Rebate Scheme, the threshold is set at \$20,000. This is lower than the GRI of two married persons combined, being \$13,296.40 (gross) each or \$26,592.80 combined since 1 April 2007.

Most older people receiving only the GRI and paying average rates should have received the full \$500 rebate for their 2005/06 rates.

Table 1 shows the pattern of income vs. rates for the most recent rates rebate year (2005/06) for typical older people. For clarity, dependents have not been included as older people are less likely to have these.

Rates local auth. pa	Table 1 ¹²	Income (pa, gross) (2005/06)			
		Threshold \$20000	Couple with GRI only \$24500	Couple GRI plus \$4000 extra income	Income – average: \$31930
	\$1000	\$500	NIL	NIL	NIL
	\$1500	\$500	\$331.33	NIL	NIL
	\$1750	\$500	\$498	NIL	NIL
	\$1820*	\$500	\$500	\$44	NIL
	\$3000	\$500	\$500	\$500	\$402.33

*national average rates bill

Many older people with small amounts of additional income over the GRI are barred from receiving the full rates rebate even though their standard of living is modest.

The scheme is savagely progressive in that small increases in income above the GRI rapidly nullify any rebate.

The scheme is not inflation-adjusted nor tied in any way to the rapid and continuing increases in rates. An example of this is that in 2005/06 a married couple with GRI income only, with an annual rates payment of \$1,746 would have qualified for the full \$500 rebate.

In this year's round, that same couple will no longer qualify for the full rebate because of NZS increases. It is unfair to increase NZS without adjusting the scheme.

¹² Figures derived from <http://www.ratesrebates.govt.nz>, section of the Department of Internal Affairs website, accessed 20 June 2007

Rates local auth. pa	Table 2 ¹³	Income (pa, gross) (2007/08)			
		Threshold \$20000	Couple with GRI only \$26600	Couple with GRI plus \$4000 extra income	Income – medium: \$40,000
	\$1000	\$500	NIL	NIL	NIL
	\$1500	\$500	\$68	NIL	NIL
	\$1750	\$500	\$235	NIL	NIL
	\$1820	\$500	\$281	NIL	NIL
	\$3000	\$500	\$500	\$500	NIL

In the year 2007/08 if nothing is done, most couples on the GRI will not get the full rebate unless they are paying above-average rates (table 2). It will require a rates annual payment of \$2,214, an increase of 26.8%, to obtain the full \$500 rebate.

That means that whilst NZS has risen from \$12,228 annually per person to \$13,476, an increase of 10.2% in those two years; the rates bill must rise by 26.8% in order for claimants to continue to get the full rebate.

We request that the income threshold be increased to at least \$27,000 (gross, p.a.) for this year's round of the scheme, and indexed to future income growth.

Case study 4:

Mr and Mrs Z are aged 65-70 and live in their own home in a major Waikato town. They receive little income above the National Superannuation GRI.

When they applied for their rates rebate last year they were receiving the usual GRI couple rate of \$24,456.64 (gross) and had paid around \$1,750 in rates. This income and rates bill should have given them the full rates rebate of \$500. However, during the year Mr Z had worked briefly in his old pre-retirement job to fill in for an absent colleague. The \$4000 extra income made only a modest difference to their standard of living.

However, Mr and Mrs Z were shocked to find that that small amount of extra income had been clawed back from their rates rebate, reducing their expected \$500 rebate to just 80c. After tax and the loss of the rates rebate Mr Z's \$4000 gross was reduced to around \$2700 of real income. Worse, the extra gross income adversely affected other means-tested benefits the couple accessed.

¹³ Figures derived from <http://www.ratesrebates.govt.nz>, section of the Department of Internal Affairs website, accessed 20 June 2007

5 Assistance available is insufficient to prevent hardship

Last year's \$50 million provision for the rates rebate was fully subscribed, despite a lower than expected rate of application by eligible people. Put another way, we estimate that anything over a 40% take-up would mean that the appropriation would have been overspent. This suggests to us that a more widely promoted and easier-to-use scheme would require a larger allocation.

We also know of no research that led to the setting of the maximum rates rebate at \$500 and suspect this figure was driven by availability of funding rather than welfare considerations.

We strongly believe for the reasons given in sections 1-4, that the level of subsidy is totally inadequate to achieve the objective of protecting vulnerable people with low incomes from rates increases. With the national average rates bill of \$1820, it represents just a quarter of rates. At a more typical bill of \$3000 for an established home in a popular location, it represents just a 17% contribution.

We call for the maximum rates rebate to be set at a meaningful proportion of the average rates bill. For example, a 50% contribution to lower income people's rates bills which we estimate would see the maximum rebate rise to \$900 – \$1000.

Both Age Concern and Grey Power have made submissions and contributed information to the Rates Inquiry. In addition, we think there should be more research conducted on rates affordability.

We are aware of cases where older persons have been forced to sell up and downgrade their housing in order to meet rates demands. We also know of a few cases in which older people have then been forced to downgrade again by sudden rates rises in formerly affordable areas.

In being forced to move to areas where rates are lower, people have to move away from established social networks including family and friends. In many instances this causes the health of older persons to deteriorate, leading to higher social costs, as well as putting pressure on the health sector. Moving house for persons in the older old age brackets can be a "life shock"¹⁴ that leads to severe problems and sometimes shortening of lifespan.

We propose a national rates index to track increases and index-link rates rebates and income thresholds to prevent a repeat of the pre-2006 Rates Rebate Scheme situation in which the maximum rebate and income threshold were both eroded by inflation to the point that the scheme had become almost worthless.

¹⁴ Living Standards Review (Jenson), Older Peoples' Policy Team, MSD, 2006.

Case study 5:

Mrs A, the 75-80-year-old widow mentioned in 1, had a 2005/6 rates bill of \$3600 pa, an increase of 330% since 2000. In this time her income, derived almost solely from the GRI has only increased 17%. Although she is eligible for close to the maximum \$500 rates rebate, this is just a drop in the bucket of her \$3600 and rising rates bill.

Mrs A may be forced to sell up and move as she is continually unable to meet her rates payments without extreme hardship. Soaring property prices in the Bay of Islands mean she would have to move far away to re-purchase, with the loss of her community support networks and friends. She would also be a major loss to her community, as she is a local identity and community volunteer.

Mrs A feels she cannot borrow against her home equity to relieve her situation. Her family includes a disadvantaged child so she is keen to leave an inheritance. However, she has few assets aside from her property so she is reluctant to erode the equity. She comes from a long-lived family so she also fears that a Home Equity Release loan could reduce her equity to zero within her lifetime.

Conclusion, Rates Rebate Scheme, failing its purpose:

The Rates Rebate Scheme is in need of review; problems highlighted by our organisations point to an urgent need to amend aspects of the scheme to ensure it continues to satisfy the social benefit for which it was originally put in place. The need for the scheme has not gone away, it has only become more acute.

Recommendations:

Age Concern New Zealand and Grey Power Federation make the following recommendations based on the five points discussed in this submission:

1. Rates rebate scheme is failing in its purpose

Recommendation: comprehensively redraft Rates Rebate Act of 1974 to take account of changes in residential arrangements (for example, the growth of retirement villages) and the current environment of rapid increases in property values and rates bills.

Recommendation: Work and Income should automatically supply full information of all benefits available to people applying for NZS, including information on the Rates Rebate Scheme.

2. Unjust exclusion – recognise licence to occupy retirement villages

Recommendation: the current statutory exclusion of residents in some retirement villages should be removed by amendment as suggested, so that all residents in retirement villages are treated equally and may apply for a rates rebate, if eligible.

Recommendation: the Rates Rebate Application Form is misleading and should be revised; the requirement to get a declaration in accordance with the Oaths and Declarations Act 1957 is an unwelcome barrier to uptake that could be dispensed with through devolving administration from DIA to Work and Income (see point 3); the brochure should refer to the Oaths and Declarations Act but currently does not.

3. Devolution to Work and Income

Recommendation: devolve administration of the scheme to Work and Income, for the reasons stated. The benefits are: removal of the requirement for a statutory declaration; make the scheme easier to promote; diminish privacy concerns; provide economies of scale, more cost-effective for Work and Income to administer; and, older persons would be better served having one contact agency e.g. the information silo argument and cost-benefit of due to time saved dealing with one agency versus two.

Recommendation: Explore the possibility and then fund independent advice and form-filling services to disadvantaged groups

Recommendation: Increased promotion of the Rates Rebate Scheme is required. This must be presented in simple language, so that it is comprehensive, not ambiguous and exclusions must be made up-front and clearly.

4 Arbitrary and overly progressive income thresholds

Recommendation: Increase income threshold to at least \$27,000. A couple paying average rates should be able to have modest additional income over and above the GRI without it decreasing their rebate.

Recommendation: Thresholds must be indexed, to prevent a repeat of the previous situation where the \$7000 income threshold became derisory. Indexation could be to the CPI or GRI levels.

5 Insufficient rebate assistance available to alleviate hardship

Recommendation: Make sufficient Budget allocation for 2007/08, so that increased levels of take-up of a better promoted and designed scheme can be appropriately funded.

Recommendation: Increase maximum rebate ceiling to be a significant proportion of the average New Zealand rates bill of \$1820 pa.

Recommendation: Conduct further research to establish the actual level of Rates Rebate required to alleviate hardship in lower-income people's hardship brought about by rates increases.

Recommendation: (in the interim) Increase maximum rebate ceiling to no less than 50% of the average New Zealand residential rates bill.

Recommendation: Maximum ceiling must also be indexed, to prevent a repeat of the previous situation where the \$200 ceiling became derisory. Indexation could be to the CPI or, even better, an index of local authority rates increases.

Contacts

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