



Katherine – Samantha Phelan

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Katherine Godinmayin Yijard Rivers Arts & Culture Centre, Katherine

Speakers: Samantha Phelan

Samantha Phelan: My name's Sam Phelan.

Hon. Justice

Rachel Pepper: Thank you very much.

Samantha Phelan: I'm not appearing on behalf of anybody except myself, my family ... and other Territorians.

Hon. Justice

Rachel Pepper: That's fine, thank you. Most important.

Samantha Phelan: I had big plans, but I've been very sick the last few days and now have sick kids at home so, I'm back to basics and having read half your inquiry...

Hon. Justice

Rachel Pepper: Ah, but pithy basics are very commendable.

Samantha Phelan: They're significant in this context. I've been in the Northern Territory for 20 years. I'm married to an Indigenous Territorian and I have three children who intend to live out their lives here at this point. And we certainly intend to live our lives out here. We live in Katherine now and as a result, are smacked in the face daily by a PFAS situation and what water contamination looks like. Where we live, we back directly onto the pumping station that is now the dilution effect for the PFAS in the Katherine water system.

And, I had the pleasure of being taken up by a friend for a joyride in a helicopter the other day and was able to actually observe the fragility of the Katherine river system from the air. And it's something I hadn't even appreciated before because as you're walking next to it every afternoon as I take dogs or kids for a walk, it seems like a really big, really sustainable system. And when you see it as this tiny little line from the air, you realise just how important water is to our livelihood. And if we are talking dilution, we've got to dilute it from somewhere else.

So where are we obtaining that water from to dilute? I mean dilution's wonderful, if you can do it. But at some point, we won't have enough clean water to dilute our dirty water. And that's a very fast appearing reality in the Northern Territory and I just ... Are any of you from the Northern Territory? You are?



Hon. Justice

Rachel Pepper: Yes.

Samantha Phelan: I sort of picked you. But, I think it's really important because it is a really different context that you are working in. The idea that you will have a regulation, regulatory regime that will function in this place under the current climate or any climate that I've seen here and attempted to watch be developed, is farcical. The more remote you go, the more poor any practise is, and that is broad. That is in building, that is in mining, that is in education, that is in health. And we're talking about really remote areas. And you can bet your bottom dollar that they will take shortcuts because everybody does in every field.

And I just ... the importance of knowing that context, for you people, is really important because we're in a situation where we have very clearly a green light being given to industry by the government. I appreciate your efforts, and your efforts are incredibly important in the context that they are placed here because we have industry really keen to move, and we have a government really keen to move that industry. And that is both sides of government. And irrespective of what the rhetoric is, I've now been watching this space for six years quite intently. And I've talked to politicians on either side of government when they've been in government and out of government and I've heard their responses when they've been in opposition.

And both of them have an underpinning contract with these gas companies that this will move, this will go. And that, I see you looking a little doubtful about that ..., and I understand, I can understand how that ...

Hon. Justice

Rachel Pepper: No, there's a moratorium in place.

Samantha Phelan: Pardon?

Hon. Justice

Rachel Pepper: There is a moratorium in place, ... that was achieved.

Samantha Phelan: There is a moratorium in place and that was a really strategic political decision coming into the last election, which to be honest, they probably didn't need to oust the government that we had in place. But it was another strategic political move to be honest, but I've heard nothing in my meetings with government ... and I've met with some pretty high people in government to suggest that there is uniform support for a reservation in our approach to on-shore development. I don't sense from anybody that I speak to that there is true support for really holding back on this industry.

The other thing ... I've worked in remote communities for a large part of my Territory career. And when I hear consultation and what consultation has gone on, I ... the minute I hear a meeting as I just did from Origin of 120 people to explain what's happened, I wonder what language that consultation is occurring in. Is it a presentation in English to 120 people



sitting there? Because I work daily with people and my perception of what people understand and my absolute feeling of what people understand when I'm one on one in a workplace is so vastly different when it's put to the test in a tricky situation, of what people's comprehension is.

So, I would really question that unless all of that consultation is happening with true interpreters present and in very small clan groups, that you may as well say there hasn't been a consultation process. Certainly 120 people in a room with English as the language of ... the lecture given about what we've done in the last year isn't adequate, as far as I'm concerned. And I have to question what informed consent is in a lot of these settings. I work in this area at the moment, I have friends in remote communities in this area, and I have a pretty good understanding of people's lack of understanding when it comes to this stuff. And, the lack of understanding is enormous.

Because you need a cultural perspective to even appreciate then what the process is. Like, there's the shift of thought quite different before you even understand the complexity of the mining process. So, I just really doubt that informed consent from an LC in contracts really translates to what people have an understanding of what will happen on their country. And the complexities of what land tenure is ownership and all of that is really complicated in a lot of places.

There's just a really nice quote that I only heard the other day, and it really applies to this whole situation. And it was a man talking about the Ganges River in India, and he just said to the person ... they were on a clean up the Ganges campaign, and he said to the person, "She is my mother, she is the water that flows through my veins." And I think, as a vet, I know that to be completely true. And that we are the driest continent on earth and we are one of the driest places on that continent. And to be messing with what potentially may need to flow through our veins is enormous.

And I've heard, you know, over the years I've been going to various meetings and I've heard hydrologists talk about the accumulation of data that would be required before agreeing, like, could be given as far as they were happy. And a framework of ten years seemed very wanted by them in those settings. And I don't know to what extent individuals have contributed. A lot of people feel gagged by being employed by the government in the Northern Territory. Certainly, when I've spoken to people it has been reported to my director by eight o'clock the next morning.

So, there is very smallness to the Northern Territory that certainly will impact on the way people can speak out. And I think, you need to be really cognizant of that in the work that you do as well. So, I know a lot of government employees in Katherine who would love to be before this panel but feel that they can't be because of their position. And that stands across the Northern Territory. Even if you're just coming as I am today, as a mother and a vet who happens to know a bit about these safe chemicals. People are feeling really compromised by their positions and a lot of people in the Northern Territory are employed by government.



So, when I got actively involved ... just a few things that still niggle ... because I have talked and asked a lot of questions. I asked where the drill cut from Tanumbirini went and initially I was told that ... by the Department of Mines and Energy, that it went to a municipal dump. Which, you could only assume was Larrimah Dump but it could have been anywhere. They couldn't identify it. I was then told by the same CEO, Department of Mines and Energy, that no, that was all at Winnellie. In a storehouse, all three kilometres of it was at Winnellie in a storehouse. And that it was no trouble, didn't need to worry about where it was. Because it was all at Winnellie.

And now I'm told by Origin that all of theirs has gone to Brisbane, I think. So, I'm just wondering where this drill liquid of is really going, it's a niggling question. I'm not saying anybody's lying, it just seems some strange ... as I've pursued different questions along the years. Another one is the water that failed wells at the failed wells at the Georgina Basin, well, one failed well, Georgina Basin. I've asked where the water from that fracking procedure went to. And I was given a name of a processor at Mount Isa. When I phoned that processor with details of dates and all that sort of stuff, they had absolutely no record or it.

So, these are just questions that in a remote setting become really significant. Because it's out of sight, out of mind. And that's the reality of what we're entering into if we undertake this industry. I spoke to the EPA about the failed well at Georgina and just asked, "When have you guys been there? What have you had a look at?" Nothing, never. And those responses to me seem manifestly inadequate. But I don't know, that's just me as a punter. But it does seem strange that you would have a failed ... I don't know if they even got as far as fracking the Georgina well, but that you would have a failed well with an EPA saying, "Nah, we haven't been there."

This was two years ago probably speaking to them. "We haven't been there because all we'd see is a well head, what could we do with that?". Which may well be true. But it's insufficient as far as I'm concerned. There's a little movie, that I would like ... could we ... there's a movie ... a short movie and a long movie, if we could go the short one first. I'll just tell you the story before it ... are the movies there? Only because it places ... if you could just pause it for one sec mate.

What it does is, this is on the Barkly Highway and I was just driving along one day and I had actually become really quite disheartened by the whole push to frack the Northern Territory and had just stepped away from the picture and gone, "You know what? I'm just going to be a mum, raise my kids, and not buy into that story because I find it too heavy". And I was driving back across the Barkly and I saw ... I came across this and it was a very spectacular vision, which to people who live in the remote NT, it's not that uncommon. And it was a murmuration of birds, so I don't know if any of you have seen them but they are spectacular when you have birds that look like a tornado on the horizon and then stream out from that.



And as I was driving ... we pulled over cos it was just overwhelming they were just streaming everywhere. And I thought, "You know what? One open evaporative pit ...", they were there because there was water, there was a bore that was leaking and there was water in an odd place because of that leaking bore. So, that's why they were doing what they were doing. And I thought, "One open evap pit or even as Origin are saying, one transitional watering decanting, whatever, swimming pool, whatever it is". These are really arid environments and animals will smell and see water from really long distances.

And as I go about my work I see animals heading to billabongs. If I've got Aboriginal people in the car they'll always say, "Oh, you know ...", they know where that snake is going, they know what billabong that snake is going to, they know why that animal is travelling at that time of day in the direction that it is. And it's for water. And I just thought, "One open evap pit and this scene could be gone". Depending on the degree of concentration of chemical in that pit at that time, this could just be annihilated over night.

And at that point I thought, "Okay, I'm in, I'm back into this story". So if we can just ... just these two movies. They're tiny, but they just give you an idea of what is out in this nothingness. So that swirl on the horizon is the birds. You see that grey cloud at the back there? That's the birds and you can't see that they're streaming over but the next ... if we could go to the next image ... shows that they are streaming over. And the noise was deafening, because this is just one side but they were behind me, they were everywhere.

Speaker 3: Could you identify what they were?

Samantha Phelan: They were green parrots.

Speaker 3: What?

Samantha Phelan: Little grass parrots sorry, little green grass parrots. I don't know ... no, they weren't quite budgies. Little bit bigger. Green. Someone called them a grass parrot to me.

Hon. Justice

Rachel Pepper: Thank you.

Samantha Phelan: Okay, but that in an evap pit or an open pond with ... I mean I treat animals, not daily but in veterinary practise I treat a lot of animals for ethylene glycol tox ... for bleach, for all these household ... yes, it's great to say, "Yeah they're safe and they're on every shelf". But you don't say, give them to your kids or animals to drink. And I see in the early bit of the report that I did get to read was just this statement again of most of these products are relatively benign. And the fact is, they're not. Ethylene glycol is a really significant toxin. And a lot of these products are really significant toxins. And I would just ask the panel to sort of review the toxicology, I don't know if any of you are toxicologists, but ...



Hon. Justice

Rachel Pepper:

We do have ... he's not here but we have an ecotoxicologist on the panel.

Samantha Phelan:

Just to ... make sure that people have an understanding of what is being used, at what rates of dilution and if we are using evap ponds, what do we get down to? Are we knocking them on the head by wanting to have a drink? And look, you could say ... and I'm sure Origin and all the rest of them will say, "We'll net them or we'll put protective barriers on the ground and stuff". And if we could just go to these three photos. So, my husband's family have land at Tennant Creek and years ago they agreed to a cyanide dam being put on their property as a processing for the tailings dam. There was going to be cyanide in that pond. It's now known as Skull Flat, and it's known as Skull Flat because everything that drank from that pond died, okay. And so it's now colloquially it is Skull Flat. What you see here is, we're thirty years down the track. So they left the pond open for about seven years for it to become Skull Flat with nobody closing that pond. And then when finally they were pushed to close that pond they did by simple infill. So you can see the torn black plastic liner there and that's what you're left with. And if you just flick through the next couple of photos.

So that's the runoff off the area and there should be another one or two. That's now the signage with a broken barbed wire fence that exists at thirty years. And it's still a toxic area and that is Skull Flat. And I should have a comparative photo of what the vegetation looks everywhere else but we were just on a Christmas day sort of walk in the afternoon to Skull Flat, as you do. But the whole runoff from that pond is complete devastation. And that is considered really normal in the Northern Territory. Like, nobody has questioned that, nobody has suggested, "Could somebody come and have a look at this?", nobody has said, "Could we fence it better?".

That stuff's normal. So, the margins on what mining companies can get away with up here are so much vaster than anywhere else in Australia. Because there is an acceptance that mining companies come in and trash land. So, immediately when you have that acceptance, you're in a different framework from the kickoff. What people are seeing as they're driving by is accepted because it's accepted. So, I just wanted to show you those because they're just personal accounts of what it feels like to actually be a Territorian living with this as an impending industry.

I'd say that the knowledge of the fauna in these areas is probably zero to none. You'll have significant local knowledge from indigenous people but in terms of numbers and populations and potential for populations to be disrupted, I think you're dreaming if you think you've got any data there. And the attitude to it within the Northern Territory, there's one station that was ... I just did a 1080 dog baiting course as part of the job that I do. And in the process, the guy who was delivering the course just mentioned that one station has just been issued with five thousand 1080 baits to aerial drop on their property.



Now, five thousand 1080 baits on one station ... it doesn't matter how big the station is, okay, is a massive number of baits. When we know that 1080 bait has collateral damage, we know anything that eats anything that's eaten 1080 is also going to die.

Hon. Justice
Rachel Pepper:

For those of us who come from the inner city suburbs of Sydney, what is a 1080 bait?

Samantha Phelan:

So, 1080 bait, it's a meat ... a dried meat bait that's then injected with a poison that's called 1080. And it's fed to wild dogs to kill them to stop calf predation in cattle industries. There's other ways of going about it but that is one method of wild dog control adopted by some stations. Some stations are working in other ways to limit predation by looking at building up normal dingo populations because 1080 of course will kill dingoes as well and there's conflicting debate about what is the best approach, okay. But, when I heard that 1080 ... one station had been delivered five ... and approved by ... Department of Primary Industry has to approve it. Five thousand baits. You have to question what's going down.

It's an incredibly toxic substance that many animals are affected by, not just dogs. And that will be aerial dropped ... for five thousand I can't imagine you doing anything but aerial dropping. They probably are but there'll be a lot of hope, hope she lands in the right spot with that. But that just gives you an idea of the respect that's given to local fauna and native fauna up here. Essentially I see that to some extent we're going to be guinea pigs, and the more I talk at ... I always approach Origin at the show or whoever's there and Apia and all those guys, they know me quite well.

But, the more I talk to them, the more I'm clear that we are part ... that their technology obviously isn't set in stone. Their technology isn't golden because once technology's golden, you stick with it. But what we've actually got is evolving and emerging technology. And all that says to me is, they haven't got it right yet. So ... or they wouldn't need to be advancing further. If they had something that was foolproof, they wouldn't be investing in a lot more investment in technology. And, the idea of these multi-pad wells, the tentacle wells ... when I was talking to David at the show down here, and he says, "Oh yeah ..." I said, "When is the first one?"

Which is a really important question I think, to keep asking at all of these intervals that you have. When was the first one done? How many have you done? So, the first tentacle well pad was 2008. So, we've got eight years of longitudinal study on something ... on a new technology, which as far as I'm concerned, in this industry, isn't long enough. How long is the longest tentacle that you have drilled, ever? On a single horizontal or a multi-pad stage. And it's four kilometres. How often have you done that? Not quite sure. But the longest is four kilometres. And I just think defining ... like, asking them to really define.

So, that we've got a sense of what degree of data we've got. Because it's really easy for these guys to sit here and say, "I'm really good". You watch



that, and you think, "Ah, these guys have got it all sorted". But then you step away from it and just go, no. Eight years is nothing in the scheme of a rock and mother nature. When I hear them talking that they will work through a wet season. And I just think, wow. In that area and in daily waters when she floods and anybody ... like, it's fine to say, "Yeah, the biggest rainfall is 342 in a three day period", or whatever.

But what that does on a ground level in that country is very different to what it does in a ground level in Darwin even. It is very ... that red soil country is really different. And a lot of those cyclones come across with a decent blow still by the time they get to Beetaloo. If they've tracked through Borrooloola and kept on coming, they'll still have a bit of form to them by the time they hit that area. So the idea that ... they suggest that, "Yeah, we're going to be all weather and all go". To me, it's just like, my God. Do you really appreciate where you are and what this place can hold? And what it doesn't for a lot of years but what it can do? Because it can be pretty special what mother nature can do here.

And I wonder about the depth of their appreciation of that, and I feel it's probably a little lacking. By the statements that were made today. The other thing that you face in the Territory, and I'm sure you're aware of is, that we have a Berrimah Line or what's probably now a Palmerston Line, okay. So the ability for people who are going to be affected by this stuff to really have a voice that counts, and for a knowledge from what is really happening out here to get to Darwin. I was away at the weekend with a group of women who I would consider would be more switched on to the environment than most, okay.

And when I spoke about Mount Todd and what was happening there with cadmium levels at the Daly River Mouth and what was happening with the Smoking Stack at Borrooloola, they had no idea of those events, okay. So, we live in a space where mining companies can get away with blue murder and do get away with blue murder. I have a lot of friends who have worked on and off these sites over years, and they describe what happens once she starts to rain in these places as absolutely criminal. And what they're referring to is the discharge of water from Ranger Mine, from Mount Todd Mine ... Glencore's a different situation but those discharges that occur at peak rain points and with the knowledge of when inspectors are coming, they define themselves, and the guys who work in the industry all the time, as completely criminal.

And they're people who have worked on the East Coast in coal industry, have seen what regulated industry looks like, and what they feel they deal with here is completely unregulated industry that pays lip service to inspectors knowing full well when they're coming. So, I mean, I'm imagining you're aware of what's happening at Borrooloola, what's happening at the Daly River Mouth ... I imagine you guys are across that?

Hon. Justice
Rachel Pepper:

Well, it's been disclosed to us in consultations.



Samantha Phelan: Yep, good. All the sustainable yield stuff, I mean, I don't know where the data's coming from. But I know that as of a couple of years ago, there was very limited data located at community points only across the Territory. And I have to wonder about an industry that is doing its own water monitoring. All of this idea of self-regulation, I think is really fraught in the Territory. I think it's probably fraught anywhere but I think it's more fraught in the Territory where it's not under observation from passers-by. And where you have a largely fly in fly out workforce. So, that your ability to get the message out of what is happening on-site in these places is really quite restricted.

But, anytime you've got self-regulation I think you're looking down the barrel of a gun up here. You talk in the report about the precautionary principles and that's ... like, we just don't have any longitudinal studies for what they're proposing. So, how you can enact a precautionary principle when we have no longitudinal studies, is beyond me. Like, it just doesn't ... the two are mutually exclusive, I would suggest. Yeah, that's all I can say to that. I just don't understand how you can have an industry that isn't operating and has no longitudinal data, to say that we're putting up ... do you see what I mean?

Hon. Justice
Rachel Pepper:

I do.

Samantha Phelan: Anywhere in the NT, like, the idea that these sites are going to be regenerated ... I'm yet to see it anywhere. It just ... all I have seen of regeneration is Gamba grass infiltration or whatever the local weed is ... infiltrate massive tracks of land unless they're full of cyanide where nothing can grow. But I'm yet to see any good regeneration in any location at all, that includes Gove, where they've tried really quite hard. But, we've got such a fragile top-soil that the minute you move that then you're onto a baked clay base. You're pushing it uphill to try and get anything to grow. So, weeds are the only thing.

So, that's probably enough said from me. I just heard a guy ... and I wish I'd sort of took it down ... I was driving, so I didn't. But he was an eminent gas expert of America, he was sort of one of the leaders of this fracking revolution in America. And he's now stepped aside to the next energy industry and has written a book on gas as a transitional fuel. And I would have to question if it is a transitional fuel, do we really need to sell our souls to it? If we're talking about a thirty ... he was talking on the radio about a thirty year diminishing requirement for gas across the world and that it really was now seen as a transitional fuel.

And this guy's a hero of gas, I wish I had his name for you. But, I just wonder, are we really doing this? What are we doing? What political ...? It defies logic to me. With all the inherent risks of this industry and with the known state of play in the Northern Territory. I just wonder what the underpinning of the driver of this industry actually is. And I think, knowing the Territory as I do, it's probably relatively small. It's relatively nepotistic in the machine that is actually driving and opening the door for these gas giants to come in.



There are small people or big people. Big quiet people in the Northern Territory who stand to gain significant profit from this. And they are politically very connected and they have created this machine that is now allowing the origins to sit here and look pretty good. And I just have to wonder what we're actually doing in that context and in that space. It's an industry that relies on an economy of scale. So, anything that is said about what we're going to be and how small we're going to be ... I just would have significant doubts about.

And when you look at what's happened across the Darling Downs region, I think the economies of scale that are required to make this machine work are not something that as a Territory, we should be looking at. And I just see your role as really important because there are many a government who won't even read a full report, but will read the recommendations. And your recommendations ... David from Origin was talking to me at the show and he said, "I don't even understand where this public concern ..." like, he sees it as an overrated public concern, ... "has come from when you compare it to other industries in the Territory". And I said to him, "I think it really is from the fact that we have a government who is pro, we have an industry with a dubious moral compass, and as a people ... as a result as a people we feel we need to be the policemen of this industry".

And your recommendations are the only thing that actually give the people of the Northern Territory, who pretty much uniformly do not want this industry ... I know there are exceptional groups to that, but if you ... I think the lock the gate figures are probably pretty true, pretty accurate. Possibly swinging to a fifteen percent group of people that might think it's okay now. But I think the overwhelming majority of Territorians do not want this industry and it's your recommendations that will actually be the voice that allows us the next layer of brokerage in a space where we actually have none. Because deals from where we sit are very much done.

Hon. Justice
Rachel Pepper:

So, no pressure then?

Samantha Phelan:

No, that's right. Sleep well tonight. Okay.

Hon. Justice
Rachel Pepper:

We will make the recommendations we make, what government does with those recommendations will be a matter for government. And you, I might add. You are also ... thank you very much. And particularly in the circumstances that you've described of being ill. We're very grateful for the time and the commitment that you've displayed today by coming and speaking. And I think you've raised a number of very important points. One thing I did want to say about this sort of thing ... and we've had a number of people come and say to us that government employees have been gagged. This is what they've told us.

I'm just repeating what they've told us. And that people haven't been able to come to the inquiry and speak freely as they wished. We do have, for what they're worth, the feedback forms under the Have Your Say, which are



confidential. You can make them not confidential but they can certainly be confidential. So far, we've received I think 181 of those forms, so there is at least a confidential mechanism for people to voice what they want to say. And that, as I said, there's no name attached to that. So, if you know of anybody that does want to have their say in a confidential manner, urge them to go to the website and fill out one of the forms. And, as I said, we get that information.

Any questions at all? Yes, Dr. Andersen?

Dr Alan Andersen: A couple. Thanks very much for your presentation. My first question concerns the lack of longitudinal experience you talked about and the precautionary principle and I'm just wondering if you could give us more of your thoughts about that in the sense of, any new industry obviously doesn't have a longitudinal history by definition. And if you don't allow something to happen, you'll never get a longitudinal history and so how do you see the precautionary principle then operating in that context?

Samantha Phelan: Okay, I'd say, if we had no energy for ourselves in the Northern Territory right now and it becomes a cost benefit story, doesn't it? So, if all we are chasing is an export dollar out of Gladstone then I would say that we are very cautious about what we do given the potential to damage our water supply. If we had no energy to fuel the Northern Territory right at this point in time, I would be saying, "Okay, we've got to take a bit of a risk here". But I don't see us in that position. And I think yeah, does that explain my view on it?

Dr Alan Andersen: Yeah, thanks for that. My second question concerns wet season operations and you talk about the propensity for very major floods throughout even the semi-arid part of the Northern Territory. And I was just wondering, given that any surface water would be held in above ground ponds or even totally enclosed, what do you see the concern then of these floods? How would they impact?

Samantha Phelan: It gives a lovely opportunity to open a valve and allow fresh water to fall into the pond. So, if you're dealing with a highly concentrated chemical and you don't quite know what you're going to do with it and it's pretty expensive to send it to a water treatment plant in Brisbane. But, you've got four inches of surface water flowing everywhere, no brainer, turn the valve on fellas.

Dr Alan Andersen: Oh I see.

Samantha Phelan: Let it go.

Dr Alan Andersen: You think there'll be a deliberate ...

Samantha Phelan: Absolutely. That happens at Mount Todd, it happens at Ranger, it happens in multiple mine sites all over the Territory all the time. So, that's what I see as one of the ... and just simple not being in attendance and having those overflow ... Christmas, everybody's gone home. The big cyclone comes,



nobody can get back out there because the strips closed. Nobody can get back out there for three weeks, but it rains for two weeks solid. What happens to those tanks in that time? Yeah, it just ... I'm yet to see a well regulated industry or well monitored industry in the Northern Territory. In this kind of sector that would give me faith in their desire or ability to control an industry like this.

Hon. Justice

Rachel Pepper: Any other comments, questions?

Dr Vaughan Beck AM: No, I'm fine thank you.

Hon. Justice

Rachel Pepper: Okay. Thank you very much for coming and presenting today. And that ...