LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

(Reference: Prostitution Act 1992)

Members:

MRS V DUNNE (The Chair)
MR J HARGREAVES (The Deputy Chair)
MS M HUNTER

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 20 APRIL 2011

Secretary to the committee:
Dr B Lloyd (Ph: 6205 0137)

By authority of the Legislative Assembly for the Australian Capital Territory

WITNESSES

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Amended 21 January 2009

The committee met at 10.34 am.

FAWKES, **MS JANELLE**, Chief Executive Officer, Scarlet Alliance
GREEN MS JANE, Executive Committee Member, Scarlet Alliance

THE CHAIR: Welcome. I need to ask whether you understand the provisions of the privileges statement. Thank you. Would either of you like to make an opening statement?

Ms Green: I thank you for this opportunity to address the hearing and to provide additional comment on our submission. Scarlet Alliance, the Australian Sex Workers Association, was formed in 1989 and is the national peak sex worker organisation in Australia. Our membership is made up of individual sex workers, sex worker organisations and projects funded usually through the department of health in each state and territory. SWOP ACT is the Scarlet Alliance organisation member in the ACT. It should be noted that our membership explicitly excludes owners and operators of sex industry businesses and we bring to your attention that our organisation represents the interests of sex workers and not those of sex industry business owners or operators.

Our submission states that we believe the ACT model of regulation has been an overall success and that we do not believe there is a need for major change to the regulation. In fact, we would strongly advocate against reforms that would reverse the outcomes of the regulatory framework. The current model has resulted in an industry that is transparent and not operating underground, enabling issues to be more visible and evident and more quickly addressed.

Different aspects of sex industry businesses in the ACT are regulated by a cross-section of government bodies, including the Office of Regulatory Services, WorkCover, the ATO and the industrial watchdog. This approach is in line with systems for regulation of other businesses and should be maintained. Importantly, police do not play a role in the regulatory model unless a criminal law is broken. This approach should also be maintained.

There is significant evidence to support the effective regulation and operation of the sex industry and relatively very little evidence otherwise. I offer you some brief examples. The hearing has already heard that there is a lack of evidence of connection to organised crime. This is supported by information given to us by sex workers. Our own anecdotal evidence from sex workers does not indicate a problem with police corruption, both of which demonstrate aspects of effective regulation.

Most importantly, though, from a sex work perspective, the other proof of the effectiveness of this model is demonstrated by occupational health and safety standards in workplaces—consistent low rates of STIs among sex workers and high levels of access by our member organisation, SWOP ACT, to sex industry businesses on outreach and, importantly, the feedback received from ACT sex workers.

Our own experience of partnered outreach has shown that occupational health and safety implementation in ACT sex industry businesses is very good. This is in line with WorkCover experiences and evidenced during the unannounced inspection of 10

brothels by WorkCover in 2009 that identified only a range of minor occupational health and safety issues in the workplace and the closures of two brothels for a short period of time to address building and cleaning issues. Sex workers have low rates of STIs, compared to the general community, demonstrating that sex workers are effectively implementing safe sex practices, including condom use, with their clients, and this also demonstrates the level of control by sex workers in that interaction.

High attendance at sexual health clinics in partnership approaches that have included sexual health clinic staff providing outreach services into sex industry businesses demonstrates an aspect of effective regulation. SWOP ACT as an organisation has a strong level of access into all sex industry businesses here and reports a strong commitment by business owners to provide staff with information on safe sex working approaches.

We would ask the committee to consider the transparency, the agency of sex workers in their workplace, as indicators of effective regulation and consider that any additional layer of regulation or adoption of an alternative model of regulation would potentially impact negatively on what is working, and at this stage there is a lot that is working well. However, in considering the act as a whole we do believe there are some relatively minor but very important changes required.

The first group of changes necessary is the removal of the current requirement for registration of individual sex workers. This component has resulted in low compliance because of the many barriers to a sex worker complying; most importantly, privacy and safety concerns and the very real impact of stigma and discrimination on the private and working lives of sex workers and their families.

On the matter of registration, the Scarlet Alliance does not support the extension of registration to include sex workers working within the sex industry businesses. Compulsory registration of sex workers in commercial brothels would immediately create a major increase in noncompliance and impact on the health and safety of sex workers in the ACT.

In addition, the legislation should formally define and make provision for more than one private worker to be able to work together legally. This would allow workers to optimise their health and safety outcomes, including security, reduce overheads and enjoy an environment of peer support in their work.

The second group of changes is to sections 24, infected persons, and 25, providing or receiving commercial sexual services if infected, which have resulted unnecessarily in the arrest, public vilification and jailing of a sex worker. The experience in Australia is that it is education and sex workers implementing safe sex practices in their workplaces that prevent STIs and HIV, and not criminalisation.

The discriminatory nature of the law excludes sex workers and clients with HIV and other STIs from participation in the legal sector of the sex industry. This approach ignores the evidence that condoms and safe sex prevent transmission and is simplistic considering the range of services offered by sex workers which do not include a risk of transmission.

Australia has in place national guidelines that outline the process for government and health areas to manage anyone who puts another person at risk of HIV. The potential for misuse of this legislation was demonstrated in the act in 2008. It is our experience that logic has been replaced by hysteria in relation to this issue. Vilification by media and the public of one individual has resulted from this law. Public exposure of a person's HIV status and details by government officials also resulted from this law. The real impact was, at the time, an immediate reduction in the number of sex workers attending sexual health services—it must be noted that quick response by SWOP ACT has resulted in current high levels of testing—increased excessive levels of stigma, and discrimination against sex workers.

The final area that requires change is the necessary amendment to define the unregistered operation of brothels as being a civil rather than a criminal matter. Currently, two sex workers working together are considered an illegal brothel, with a criminal response that is out of step with the severity of the issue. Private sex workers, already subject to social stigma and police harassment, are subject to criminal sanction in this way and become further marginalised, leading to negative impacts on occupational health and safety for the industry.

In conclusion, we recognise that a submission process like this has elicited, and will be expected to elicit, many opinions and beliefs about the sex industry and sex workers. Theoretical or philosophical understandings are very different from the lived experience of sex workers. Whilst hearing the varied and different opinions of a range of stakeholders, in the deliberations of the committee we would ask that you consider that sex workers will experience directly any changes to the regulation of the sex industry. It is for this reason that we advocate that sex workers are, and should be recognised as, the key stakeholders in this consideration.

THE CHAIR: Thank you, Ms Green. Could I begin by asking some practical questions. How many people do you represent in the ACT? You said that SWOP is a member, but how many individual members would you represent in the ACT?

Ms Fawkes: Can I speak to that point. In fact, our membership structure is that we have three layers. One is the funded organisations, which, as you mentioned, is SWOP ACT in this area. Then we have individual sex workers and then associate members. So within that, individual sex worker membership—I guess that is what you are asking about?

THE CHAIR: Yes.

Ms Fawkes: I do not have the exact figures on those for the ACT. I would have to bring that back to you.

THE CHAIR: Okay. Could you give us a ballpark figure?

Ms Fawkes: Our membership generally is a few hundred people who are paid up, registered members of the organisation. But to be honest with you, that should not give an indication of the number of sex workers that participate because for a number of reasons sex workers, as we have described, will not register and do not provide their names to listings. Therefore, we create forums and ways that sex workers can

contribute to policy development, service delivery and program development that does not require them to be a member.

MR HARGREAVES: Can I follow up on that. It would be helpful for the committee to get an idea of the membership in terms of how many people—not exact, obviously—are semi full time in an occupation. As I understand your submission, it is essentially saying, "This is a workplace, so we want it to be regarded as a workplace," and the changes that you are suggesting are around that.

Ms Fawkes: That is right.

MR HARGREAVES: When we look at that in terms of other activities, we look at the type of workforce that is involved in an industry.

Ms Fawkes: Of course.

MR HARGREAVES: So we might get a bit of a handle on how many are casual, how many are full time, how many people go in and out. With the cleaning industry, as an example, people are in and out of it all the time. They will be away for a couple of years and then be back in it, and then be away for another couple of years. I imagine that your membership is in a similar sort of situation. Do you have a bit of a handle on that kind of thing? Perhaps you could come back to us, or tell us now.

Ms Fawkes: I can describe to you, and I think SWOP ACT will be well placed to give you more detail, that the nature of work in the industry does mean that there is quite a diverse approach to work. There are, of course, people who are studying who will work on a part-time basis. There are others for whom the industry is their only and full-time income, and there are others who will work when necessary. So it does cover all of those spectrums.

But it is not the case that sex workers within the ACT industry have a contract or an agreement as such with the employer that sets out whether that is full time, part time or casual. So, if you like, people are then able to move in and out of those different employment categories freely and as is necessary to them. I would indicate to you, though, that certainly there are transients within the industry and that people will operate within the ACT for a short period of time whilst also working in different states and doing a trip to the ACT to work. Does that answer your question?

MR HARGREAVES: It partially does.

Ms Fawkes: We do not have the numbers.

MR HARGREAVES: Even if we could get some sort of ballpark estimate. One of the things I am concerned about is the notion out there that there are X number of people in an industry. So if you work out how many people are in the advertisements in the *Canberra Times* or how many people might operate out of a brothel, you think, "Ah, the remainder must be the underground bit." I want to dispel that, if it is an appropriate thing to do. I would like to have an idea of that kind of thing—how many people you would estimate, because you have anecdotal evidence, coming in and out.

Ms Fawkes: If it is okay with you, can I take that away and do some consultation and come back to you on that?

MR HARGREAVES: Yes, please.

Ms Green: Without going into numbers, there was something I wanted to add to the end of my statement. It is very much on your point that sex workers work. We had picked up from a comment that the Attorney-General made in his submission that sex work is a valid occupational choice and therefore deserves the recognition of personal, occupational health and safety and welfare rights in the same manner as they are recognised in other occupations. We would certainly ask the committee to consider this. Also, it is the Scarlet Alliance's view that sex workers consider sex work as work and we ask that the committee approach it as such. I believe that is a very important point.

THE CHAIR: Could I go back to one of the comments you made, Ms Green, in your opening statement. You said that there were lower rates of STIs compared to the general community. Can you substantiate that for me?

Ms Green: Absolutely. If you would like me to go back to the original studies and provide those as references, I would be happy to.

THE CHAIR: That would be useful information for the committee.

MS HUNTER: I want to go to the issue of sole operators. Your submission talked about, and in your opening statement you talked about, sole operators and the benefits of allowing two or more workers to work from the same premises. Page 6 of your submission makes the comment that the prosecution of private sex workers for running illegal brothels will have a significant impact on the sex industry occupational health and safety levels in the ACT. I want to hear some of the practical OH&S improvements that would come from allowing two workers to work from the same premises.

Ms Fawkes: I will speak to that. I guess the most important one really is that a practice within the industry is that if you see a client normally the first process or component of the booking is around negotiating what is going to be included, the cost and safe sex practices. A visible STI check is a regular part of that process. Currently within brothels throughout Australia, if you do a visible STI check on a client and you identify something that you believe may be a visible sign of an STI, you would get that double-checked by another sex worker. We are not talking about diagnosis but it certainly has been a key component of the effective response to STIs by sex workers in Australia. That is not possible if you are forced to work alone and that is your only option.

Secondly, of course, sex workers would like the opportunity to share with another sex worker costs related to their business. If you imagine a single mother who is working privately and wants to work two days a week and needs to cover rent and all of the overheads of working privately, then obviously it would make sense for that person to share those costs with another worker.

Thirdly, I guess one of the core components is that most sex workers would feel safer if there was another worker present.

Fourthly, most private sex workers would say that they miss a large component of possible bookings during the time that they are busy, simply because they are unable to answer the phone or do that kind of general promotion and answering questions that all businesses need to do with potential clients. So their earning capacity is reduced by not being able to work with a second person.

THE CHAIR: Could we go back to the issue you raised in your opening comments about the registration of individual sex workers. We heard evidence from the Chief Police Officer that there are quite low levels of registration of sex workers compared to, for instance, the number of people who advertise their services in the *Canberra Times*. This has been reinforced by some of the comments today. He said that there seems to be a low correlation between the registered sex industry and crime, police corruption et cetera but there is no way of quantifying the extent to which in the unregistered part of the industry there may be police corruption or crime generally et cetera. That was the evidence given by the Chief Police Officer. He also said that it is very difficult for the police and other organisations to actually quantify the unregistered part of the industry. What comments would you make in relation to that?

Ms Green: I do not think even the Chief Police Officer or I necessarily correlated the lack of registration of private workers as evidence of crime but as a state of noncompliance because of the onerous nature of compliance for those workers.

THE CHAIR: What do you see as the onerous nature of compliance?

Ms Green: In all of the things that we mentioned, both in our submission and the statement I have previously made, that it has very real and important privacy and safety concerns for sex workers and an impact in terms of stigma and discrimination.

THE CHAIR: Could you expand on why registration would have a privacy concern?

Ms Fawkes: It is the fact that a very important concern for sex workers is their privacy because sex workers have experienced very real impacts when other people know that they are sex workers. I will give you an example.

A sex worker from the Northern Territory who had been on the police register moved to Queensland. Her partner of course had known that they were a sex worker. Some time later they were in a custody case in Queensland and that information was sought by police and the lawyers in Queensland. It substantiated that the person had been a sex worker and it did impact on the loss of that person's custody of their child because under the ruling at the time that person was not seen to be a fit mother because of their sex work experience.

THE CHAIR: When was that?

Ms Fawkes: That was about four years ago. I can provide that case to you. I guess more importantly it is that as sex workers we have experienced very real levels of stigma and discrimination in the society generally but also through government

authorities when it is known that we are a sex worker. So it is that impact that would of course prevent a sex worker from registering on a system where we know through government departments there are people who access that information who should not.

We also know that for sex workers it is frequently the case that the impact is not during the time that you are working as a sex worker; it is later on, after you have left the industry and moved on to another part of your life, that that affects you. Of course, for some people studying to go into law and a whole range of other areas, that would have a significant impact on their future occupation and professional life.

I would just add one other thing and that is that sex workers often seek to protect not only themselves but their families and their children who have experienced discrimination when people are aware that they are a sex worker.

THE CHAIR: On the subject of—

Ms Green: While we are on that subject, I did want to bring to your attention item 6 from the submission of the AFP, the Chief Police Officer, submission 16 to the committee, regarding a requirement for industry to include approved licence numbers in advertisements. Obviously this has a bearing on this discussion. Scarlet Alliance does not support this proposal, as linking advertisements to worker details has significant implications for privacy, safety and stigma for all of these reasons that we have just been discussing. I think that is a very pertinent point in terms of the other submission.

THE CHAIR: Thank you.

MS HUNTER: The police submission recommends that the powers for policy entry to venues without warrant be increased. Do you have a perspective on the current powers of police entry, and what impact would an increase have?

Ms Fawkes: Yes, we do. We believe that the police's evidence and the Attorney-General's evidence demonstrate that there is not a connection to organised crime and that in fact our evidence, or anecdotal evidence from our membership, demonstrates that a whole range of issues that have been raised are not features of the ACT sex industry at all. We believe that the current police powers are sufficient and do not need to be extended at all. There are already increased police powers in certain situations within the act and we believe that is appropriate, but certainly we would not support increased police powers.

There is not evidence of police corruption in the ACT. That is something that is very important to us and our membership. Sex workers have experienced police corruption in different states and territories and that impact is appalling. We would not like to see any increase in powers that may increase the potential for police corruption and/or even put police at risk of being accused of such.

MS HUNTER: I also want to go to the issue of proof of age. You have made clear in your statements and your submission the position against keeping copies of proof of ID on file; that that would push workers to be noncompliant. There is a related proposal that came in in the AIDS Action Council's submission and I just wanted to

hear your thoughts on it. The council proposed that there be no defence to having an underage person working as a sex worker and that there would be no ability for the owner to claim that they cited an ID that might be false. So it places the onus on the owner to very carefully assess new workers. Do you have a position on the proposal, or any thoughts?

Ms Fawkes: Yes, we do have a position on that. We believe that the current practice within the industry is that sex industry business operators have the option of checking a person's ID, and that does happen on many occasions; in fact we would say the majority of occasions. We believe that that is a significant opportunity for owners and operators to prove the person's age as any model would enable that proof to occur. I guess what I am getting at is that in our submission we outline that if additional measures were put in place they would not prevent young people from providing false identification. We do not believe there is a mechanism that can be put in place to address this really.

As to the points made within the council's submission, we would suggest that what is currently in place is enough. We wanted to raise with you that the Chief Police Officer and the AFP in their submission noted that, whilst such high-profile incidents may give rise to a public perception that crime is rife in the regulated sex industry, the evidence over the last six years has not supported this hypothesis and we agree with that; that is certainly the evidence that we are receiving from people. I am not sure if I answered your question.

Ms Green: That was speaking specifically in relation to the 2008 death of the 17-year-old, in the police's submission.

MS HUNTER: Yes. But I guess it was this idea of putting the onus on to the owners. It is like in a licensed venue: if you employ a bartender who is under the age of 18 there are penalties that are put onto the owner of the establishment. The onus is on them to check ID.

Ms Fawkes: As a person who employs staff, there is an onus on me to check that ID, but there is not a criminal prosecution if somebody begins work at my premise who has provided false identification. There is a process that is followed up, but it is not a criminal prosecution in the first step, and I would suggest that it should remain the same for the sex industry.

MR HARGREAVES: Can I follow up on that. As I understand it—please correct me if I am wrong—if a person under 18 is employed in a nightclub and is placed on a charge, the establishment's owners/operators and licensees are charged and fined $X in a civil case. What your submission is suggesting is that, if in fact this is a business providing a service, then the same regime regarding the civil versus the criminality perspective ought to apply to nightclubs and the sex industry in the same way. Because it is not, it is a continuing discrimination and is feeding the misconceptions about the industry in the community. Is that what I am hearing?

Ms Fawkes: Yes. That paraphrases for us exactly the point we are trying to make, and much better than we were making it. Yes, it is the case that we believe it should be a civil matter and not a criminal matter, in line with other businesses.

MS HUNTER: I have a question about the Swedish model. We have had a lot of submissions around this. In the introductory letter to your submission, you are encouraging the committee to take an evidence-based approach to the inquiry. You cite evidence from Sweden that the law against purchasing sexual services has increased the risk of violence against sex workers and that the law against procurement makes it impossible for sex workers to work safely. Can we hear some of the practicalities of how the Swedish model has increased the risks and what it has meant to workers there on a day-to-day basis?

MR HARGREAVES: We are asking you because we do not want to go to Sweden.

Ms Fawkes: In very basic terms, it is unrealistic to expect the market for sexual services to cease to exist, regardless of government intervention or regulation. Strict regulation and/or criminalisation only serve to create an environment where the sex industry is forced to operate on a semi or fully illegal basis, with significant impacts for sex workers' rights, occupational health and safety, stigma, police corruption et cetera. This is noted in the Attorney-General's testimony. We reiterate that the Scarlet Alliance also believe that the Swedish model has significant impacts.

To describe those to you, we recently had Petra Ostergren, a researcher from Sweden, visit Australia late last year. She did presentations throughout the country on the impacts on sex workers. She has two papers which are available on our website. One of those was research that she undertook by speaking directly to sex workers about their experience of the model of regulation.

The first one is that it has resulted in a change to the culture of the industry or how sex workers do sex work. To give you an example, because clients have been criminalised, it is clients that are being policed. A client will no longer go to an established premise. A private worker who has her own workplace established, with her own occupational health and safety issues in mind, a client will not go to that venue for risk of being detected. Of course some of the policing approaches have been to identify sex workers' places of work and stake them out, so to speak. It has caused sex workers to meet prospective clients in other locations—public places et cetera.

So the most important impact has been that it has shifted interactions about what is provided, what the cost is—that negotiation—out of the purpose-built venue, prepared with occupational health and safety in mind, to a public space. Of course that raises all kinds of safety concerns for sex workers. I could give you a range of different impacts of the legislation. I am happy to provide those two papers to you.

MS HUNTER: That would be great.

MR HARGREAVES: That would be handy.

THE CHAIR: Could I go back to your submission in relation to sections 24 and 25 of the act. Could you tell the committee why, in health terms, you think these provisions should be repealed?

Ms Fawkes: Sections 24 and 25 outline different aspects. Section 24 is infected

persons. Section 25 is providing or receiving commercial sexual services if infected. Effectively, 25 says a sex worker who has an STI or HIV is operating illegally and therefore is subject to a potential jail term. This is out of step with Australia's approach to these issues. We have a set of national guidelines in place which identify a public health response to a person who places somebody else at risk. If a person who is operating as a sex worker was to be placing someone at risk—and evidence of that might be unsafe services being offered—then we have within Australia a public health response that has proven extremely effective to address that.

Within that national set of guidelines, a range of responses are put in place by the chief public health officer et cetera before it would reach a point where police would intervene. That would only be in a situation where a person had failed to address their behaviour and change their practices. This legislation is out of step with those guidelines because it brings in a police approach or a criminal approach immediately, before a person has the opportunity to go through those public health mechanisms that we in Australia have recognised as extremely responsible.

THE CHAIR: If you were drafting new legislation, how would you draft it? What would the steps be?

Ms Fawkes: In relation to these points?

THE CHAIR: Yes.

Ms Fawkes: We would be withdrawing both 24 and 25, recognising that we already have in place a public health response that addresses these matters.

THE CHAIR: How would you encapsulate the public health response in this piece of legislation?

Ms Fawkes: I guess reference could be made to those national guidelines and those approaches. But to be honest with you, I think that would be, to a degree, unnecessary. We address these issues for people generally across the community through the national guidelines. We do not find the need to place that or identify that specifically within legislation that affects other individuals or anyone else. Those approaches are in place regardless. To be honest with you, I feel that there is no need for these two sections to be in there or for there to be any reference to the guidelines.

THE CHAIR: On section 24?

Ms Fawkes: Section 24 is each operator and owner of a brothel or escort agency shall take reasonable steps et cetera. We believe that it is not actually a health issue and, in line with our current privacy legislation in Australia, it is not suitable for an owner or operator who is the employer of the sex worker to have information about their health status. That is far better placed between a sex worker and their general practitioner or other health officer.

THE CHAIR: How would you modify this part of the legislation to more accurately reflect what the Scarlet Alliance thinks is the optimum approach?

Ms Fawkes: We would remove section 24—

THE CHAIR: And replace it with?

Ms Fawkes: We would not replace it. I guess there are two parts to what we are saying. I should point out that this is not just a Scarlet Alliance opinion on these two points. A range of people have raised these factors. NAPWA, which is the National Association for People Living with HIV/AIDS, at the time of the 2008 case in the ACT, raised these with the Attorney-General et cetera. That is because we all sit within the ministerial advisory structure on BBVs in Australia—NAPWA, Scarlet Alliance et cetera—and we have been party to the development of guidelines and, along with the departments of health from each state and territory and the commonwealth government, to informing approaches to address these issues. We would suggest simply the removal of section 24. We do not believe that it is necessary to make the employers responsible for the health status of employees in their workplace.

MR HARGREAVES: Can I just ask a question about this? I do not know if the name of the act is correct; it is the Health Act, basically. Do you know whether or not operators of dental surgeries are held responsible for the people who work within those surgeries under the Health Act? If they find that those people breach these things—

THE CHAIR: It is probably a matter to ask the public health officer—

MR HARGREAVES: Yes. The answer is that, if you do not know, we will find out. Going back to what I was saying before in terms of public health, do you believe there is adequate coverage for the safety of the consumer, if you like, under the Public Health Act and, therefore, this is an unnecessary duplication of the legislation? Is that what I am hearing?

Ms Fawkes: Yes, I do believe that, but I will just go back to one of our initial points and our submission—that is, in Australia we have the epidemiology, the national epidemiology collected through the National Centre in HIV Epidemiology and Clinical Research, which demonstrates the very low rates of STIs and HIV among sex workers. Actually, we do not have a problem in this area. What is working effectively in the regulation in ACT is that sex workers are accessing the free, anonymous, government-provided sexual health services. The regularity of testing is very high. The use of condoms is very high. So we do not have a problem in this area. We have lots of evidence to show that there is not a problem with people with an STI or HIV operating inappropriately within the sex industry in ACT. So I would say that the legislation currently in place which addresses people who place other people at risk is sufficient to address this issue.

MR HARGREAVES: My last question on that is: as I understand it, the industry is quite okay with being subjected to the Health Act, the same as everybody else is.

Ms Fawkes: Yes.

MR HARGREAVES: I do not know what the penalties are for noncompliance with

the Health Act. Do you know whether there is a difference between those penalties and the ones in sections 24 and 25?

Ms Fawkes: I do know that, as we have indicated in our submission, section 21(1), I believe it is, of the Health Act is out of step with this legislation. But I would have to come back to you with the specific detail about this.

MR HARGREAVES: What I wanted to know, because I am no lawyer, is whether or not—and maybe this is something the committee has to find out—the penalties that are sitting up in 24 and 25 are criminality penalties. What I would like to know is whether the penalties under the Health Act are civil or criminal.

Ms Fawkes: That is right. We are raising within our submission that in 21(1), as I understand it, it is not a criminal matter. But I will come back to you with the detail of the Public Health Act.

MR HARGREAVES: Thank you; I appreciate that.

THE CHAIR: Could I just ask, for the purposes of Hansard, a little while ago you used an acronym which I think was BBVs. Could you just—

Ms Fawkes: Blood-borne viruses?

THE CHAIR: I was trying to work out what the "s" was; thank you.

Ms Fawkes: I was referring to the ministerial advisory committee on HIV and BBVs—blood-borne viruses.

THE CHAIR: Thank you. As there is nothing further, I thank you, Ms Green and Ms Fawkes. You will receive a copy of the transcript. The committee may have follow-up questions and you have undertaken to provide us with extra information. After you have had a chance to review the transcript it will be published. Thank you very much for your participation.

Ms Fawkes: Thank you very much for your time.

MILLS, MR DAVID, Community Development Manager, AIDS Action Council
JURY, MS LEX, Sex Worker Outreach Officer, AIDS Action Council

THE CHAIR: Good morning and welcome to the hearing of the justice and community safety committee on its inquiry into the operation of the Prostitution Act. I refer you, as visitors to the Assembly, to the buff card which outlines the implications of parliamentary privilege. Have you seen that card before?

Mr Mills: I understand; thank you.

THE CHAIR: Thank you. Would one of you like to make an opening statement?

Mr Mills: Thank you, Madam Chair. I thank the committee for the opportunity to appear before you this morning. The AIDS Action Council has a strong interest in the ACT sex industry and obviously the outcome of this inquiry.

The AIDS Action Council has been providing services or facilitating peer outreach with sex workers since 1987. We currently run the peer-led sex worker outreach project, or SWOP. Lex Jury is our sex worker outreach project officer. We are contracted by ACT Health to provide outreach to all the parlours in the ACT.

One of our interests is, obviously, the prevention of HIV transmission. Sex workers are named in the national HIV strategy as a priority population for HIV. However, the high rate of condom use in sex work in Australia has led to low prevalence among sex workers, and this is certainly true in the ACT.

Our view is that the ACT model of regulation has worked and has led to a generally safe environment for sex workers, their clients and the broader community. This was reflected in the comments we received in our survey of sex workers in the lead-up to this inquiry.

The submission from the AIDS Action Council makes eight recommendations. One is around the language used in the act in reference to prostitution and sex work. Three recommendations seek to clarify the responsibility of parlour owners in the ACT. Three recommendations seek to reduce the regulatory burden on sex workers which we feel risks driving sex work underground, so to speak, and out of reach from government health services and our service.

Our final recommendation is that sections 24 and 25 be abolished on the grounds that the use of prophylactics and the public health regulation provide satisfactory protection against the transmission of sexually transmitted infections, including HIV, and that these sections currently discriminate unreasonably against people living with HIV.

We note that people living with HIV in the ACT are not currently obliged to disclose their HIV status when precautions are followed during sexual encounters and we would be concerned about an obligation for disclosure being introduced. We are very proud of our contribution to the health and safety of sex workers in the ACT and we are very pleased to be involved in this review of the legislation.

THE CHAIR: Could I just go to your submission. On page 4 you attempt to quantify the number of sex workers who participate in the industry. How did you come to that number of somewhere between 600 and 1,000?

Mr Mills: I could take your question on notice. My understanding is that is an estimate based on the national numbers in Australia.

THE CHAIR: If you could; thank you. It is, as you would understand, one of the things that are hard for the committee to get a handle on—how many people we are talking about who are working in the sex industry. Mr Hargreaves had a range of questions about how attached to the sex industry they are as well. It would be useful for the committee to get as close a handle on that as possible.

MR HARGREAVES: I do not know if you were here when I was talking to the Scarlet Alliance about the nature of the workforce. If the source of these figures actually reveals anything which could shed light on those questions, it would also be very useful if you could get back to us on that. If not, fine; but if you can, that would be great.

Mr Mills: We will.

THE CHAIR: Could I go to where I finished up with the Scarlet Alliance when they gave evidence—sections 24 and 25 of the current act. Could I summarise your position as saying that, in a sense, you consider these provisions outmoded and that the provisions in the Public Health Act and the regulations and protocols in relation to STIs and blood-borne diseases et cetera are more appropriately dealt with elsewhere?

Mr Mills: That is correct.

THE CHAIR: Would you see that there is, in this legislation, a role for any sort of signpost to those provisions elsewhere or any sort of cross-referencing? Or should the legislation be silent on the issue of infected persons and the involvement of infected people in commercial sex?

Mr Mills: Our position is that the current public health regulations allow for different obligations based on the infection we are talking about. HIV, for example, is obviously one of our interests, and HIV is very well prevented by using prophylactic methods, whereas other sexually transmitted infections might be transmitted despite prophylactics being used. So public health regulations require prevention, but based on the infection, and as opposed to a blanket ban, with all people with a sexually transmitted infection being out of work.

THE CHAIR: For the edification of the committee, could you outline those about which the public health view is that they are well prevented by prophylactics and those which are not?

Mr Mills: An example of an infection that is less well protected through prophylactics is syphilis. You could make a case that someone that has a syphilis infection should not be working until the infection has been treated and has been shown to be effective.

It is an infection that is not necessarily prevented by the use of condoms.

THE CHAIR: The diseases we are talking about are all notifiable diseases?

Mr Mills: Yes.

MR HARGREAVES: I do not know if you are aware of it—you may just say you do not know—but I recall that when the issue of HIV and AIDS actually hit the deck, a lot of industries or workplaces like dentists and people like that had to wear masks, gloves and that sort of stuff. Are practitioners in those industries prevented from working if they actually have those sorts of conditions or is this solely for the sex industry?

Mr Mills: My understanding is that there are a small number of professions where you cannot be involved in invasive procedures, for example, if you are HIV positive. But in the vast majority of professions there are no restrictions on people who are HIV—

MR HARGREAVES: And their prevention from being involved in those invasive procedures—in dentistry, for example—would be covered by the Public Health Act, wouldn't it?

Mr Mills: I am not sure.

MR HARGREAVES: We might get that checked. I would like to know what legal instrument prevents someone from being engaged in an activity because they have a condition of some type. I am wanting to see how that correlates with our legislation.

MS HUNTER: I want to go to recommendation No 3 in your submission. It suggests that there be no defence to a charge of having a child provide sexual services. This would mean that, if the fact is proven that an underage worker is working, the owner is guilty. The technical term is a strict liability offence. There are similar laws, as we discussed earlier with the Scarlet Alliance, in the liquor industry. What is the key benefit that you see from this approach?

Mr Mills: In our experience we are very happy that the majority of parlour owners, parlour operators, do take the prevention of underage workers as their responsibility. We see that as appropriate, as their role.

THE CHAIR: We also notice from your submission that you are proposing the removal of section 26 in relation to medical examinations and using medical examinations as evidence of someone's health status. What is your motivation for that?

Mr Mills: We find that section to be unnecessarily convoluted and complicated. In our experience it is quite common, for example, for a worker to be asked by a potential client if they have been recently tested and what the result of that test might be. From our reading of the act, to answer that question might be illegal.

MR HARGREAVES: Under subsection (2) of 26 perhaps, where it says that a

prostitute commits an offence if the prostitute tells someone et cetera.

Mr Mills: Yes. That seems unreasonable to us. We understand that that section was probably put in place to prevent people from using medical tests as a way of avoiding prophylactic use. So we can understand that motivation. But we feel that the requirement to use prophylactics—

MR HARGREAVES: Do you find it inconsistent that section 26 applies to the actual provider of the service but it does not apply to the consumer of the service?

Mr Mills: That goes back to my point about it probably being quite common, I would say, for a client to ask about a medical test but be unable to acknowledge that you have had a test or how recently.

MR HARGREAVES: Another interesting thing this leads me on to is that if someone contracts an infection, they can actually take action at law against the person who gave them the infection, I would assume. So if I am going to access a service, I can say, "Have you got something wrong with you?" They could say, "No." "Okay, fine." I might expect that someone would say, "Well, what about you?" And if I do not say, "Yes," and something is engaged in which actually transmits an infection, that person could probably sue me. There is no guarantee from the worker that they are perhaps confronting a danger. There is nothing anywhere that protects the provider of the service against that, is there—unless you know of something?

Mr Mills: I am not aware. When we get into the civil law implications, it becomes quite complicated.

MR HARGREAVES: The reason I thought you might be able to answer it is that I know one of the big things about the AIDS Action Council's activities is about the exchange of these things and the prevention of that exchange. And it worries me that there may be an undue onus on the part of the proprietor of the service when in fact there is a two-way danger here. It has just occurred to me that there might be a case for the provider of the service to say, "What about you?"

THE CHAIR: I noticed from your submission that the AIDS Action Council, along with a number of advocacy groups, are putting forward the proposition that the need for the registration of sole practitioners be abolished. Can you expand on the reasoning of the AIDS Action Council on this subject?

Mr Mills: Our experience, and as noted in various submissions, is that relatively a low number of sole operators do register for a whole range of reasons. Our position is that it potentially prevents those workers from accessing services like ours but also services like sexual health testing services, police—

THE CHAIR: How would not registering prevent them from accessing your services?

Mr Mills: They would be in a position of noncompliance and many workers, despite our best efforts, see the sex worker outreach project as an arm of government or police and have a fear of approaching us or using our services if they feel that they are

in a situation that might be illegal. For that reason we think that these requirements are a barrier to the use of health services.

THE CHAIR: There has been an argument mounted in a number of submissions that this is a professional service much like a whole lot of other professional services provided as a business. There is a range of people engaged in professional services who must be registered to participate—doctors, lawyers, plumbers, electricians. Why is this group of professional workers different?

Mr Mills: The biggest difference as we see it is the stigma attached to the industry and hence the importance placed on privacy and control over identity. That came across in our survey when we asked workers if they were registered and why they had not registered.

THE CHAIR: Does the industry see that if Mary Smith registers with the Office of Regulatory Services Mary Smith cannot use a professional name or something like that?

Ms Jury: You are not allowed to when you register. You have to provide 100 points of ID with your real name and an address that you are working from. When you register you have to provide all of that. We have asked if we can register in our working names and we have been told that we are not allowed to. We have to register in our—

THE CHAIR: Sorry but my question went the other way: if you are registered is there something stopping you from using a working name on a day-to-day basis? Is there something that prevents that?

Ms Jury: We still use our working name on a day-to-day basis but the problem is having our details written down somewhere that has all of our details—our real name, our address, our phone numbers. That is the problem because people can access—

THE CHAIR: Are there guarantees of confidentiality that would be acceptable to the industry?

Ms Jury: I do not think so.

MR HARGREAVES: You talk about stigma and that that is one of the big issues around this; it is about where society is placed with regard to its attitudes to this particular industry. Am I reading the submissions correctly by saying that the current regime in the ACT is going a decent distance towards addressing that stigma—maybe not far enough for people but there is a distance? For example, would it be the same in, say, New South Wales or the Northern Territory as it is here in terms of community attitudes? That is the first question I have for you.

The second question related to this is: if we treat the industry like any other industry and you have a business name and you have the licensee's names and they are both recorded and the one that goes out publicly is the business name—if we are going to treat this industry like every other—isn't it reasonable that we could do that and then that in itself, because it is normalising things as an industry, as a work, would

contribute to the diminishing of the stigma going forward?

Mr Mills: I agree that treating it as a valid occupation and as a valid industry does go a long way to addressing the stigma in the community around the industry.

Ms Jury: I agree that treating it as any other industry would help with reducing the stigma. There is going to be an issue around the personal details and where they are kept, how they are looked at and how available they are to people. As much as we are trying to deal with the stigma, there still is that stigma. Most of our workers are not outworkers; they have not told their parents, they have not told their family, their partners do not know, so it is going to be very hard to get the public to accept sex worker as a normal job.

MR HARGREAVES: Do I hear you saying that we are just not there yet so when we get there we will do it—

Ms Jury: No, not yet. When we get there we will be more than happy to do that, but we are not quite there yet.

THE CHAIR: But there seems to be a significant dichotomy between the position put forward that this is a legitimate occupation, a valid occupation, and that you cannot register as a worker in this occupation because of the community. There is a distinct dichotomy in what we are hearing from the AIDS Action Council and others in that area and I am just wondering how you might see that addressed.

Mr Mills: I should make it clear that we certainly support workers in registering. We assist workers to register and we have information that we provide, including on our website, and the process to do that. It is not our role to police workers in registering. Many workers will be very proud of their occupation and very happy to register. The reality is that the requirement for disclosure of identity to organisations is a barrier still.

THE CHAIR: Do you have any evidence that the ACT register has been misused or it is too available, or what?

Mr Mills: I am not aware of any—

THE CHAIR: My understanding was that the registration of premises is relatively open but that the registration of individuals is not. Do you have any evidence of there being misuse of the register or people obtaining information about people who are registered that was unsatisfactory to those people, or is it just a perception?

Mr Mills: We have worked with the Office of Regulatory Services to try and outline with them the situations where information on the register can be disclosed to other organisations and we have tried to communicate that to workers so that the workers have an understanding because the understanding in the community of what happens to that information is very low.

Ms Jury: There is another problem that private workers have when they register. If, say, I go in and register today and I decide that in six months time I do not want to be

a sex worker anymore and I want to take my name off the registration file, I can go in and say, "Can you take my name off?" and they will give me back the paper copy of my registration. But electronically my name stays there forever. It does not matter if I am not a sex worker and it does not matter if I die; it is still there. They will not take names off the database.

MR HARGREAVES: Can you tell me your view on why it is that, apart from a business name registration, a casual sex worker operating from home needs to be registered but an Avon lady does not?

Ms Jury: That is a really good question.

MS HUNTER: Can I go back to that point about the electronic record. Have they given a reason as to why they will not remove—

Ms Jury: No; just that they will not remove it.

MR HARGREAVES: I do not think you can, physically. It stays there forever.

Ms Jury: The registrar that was there before the one that we have now was quite willing to remove our names from the database. If we were no longer sex workers, he was happy to do that. The new guy is not happy to do that.

THE CHAIR: Maybe it is under the provisions of the archive act. We will have to ask ORS.

MR HARGREAVES: This fear that you have, quite clearly, is not ameliorated by the provisions in privacy legislation which prevent the misuse of information on these databases. Would it be any comfort, do you think, to the people in the industry to have an explicit penalty in this act for any disclosure, if these parts of the legislation are not repealed? Would it be any comfort if there were significant penalties for the inappropriate disclosure of that?

Ms Jury: I suppose that could help.

MR HARGREAVES: I am looking to see whether or not you would be happy with second prize.

Ms Jury: It might help.

MS HUNTER: I have a question about the police powers of entry. Ms Jury, you may be able to help us on this one because of your work, and close work, with sex workers in the ACT. As you probably know, the police made a submission. They recommended that the powers of police entry to places with sex work be increased. Does the council have a perspective on the current powers and what impact an increase would have?

Ms Jury: I think the police have enough powers as it is. SWOP is actually working very closely with the police in the ACT so that they can become more sex worker friendly. Now we have a much better understanding with the police. They have a

much better understanding of what happens in our brothels. The crime prevention team now does an outreach to all of our brothels in the ACT. So the workers are free to access the police while they are there, ask questions, and the police bring up different information for the workers. At their next outreach they are bringing out the new drug driving laws so that the workers can better understand what those laws entail. I do not think they need any more powers to come in. They have got more than enough.

THE CHAIR: Thank you very much for your attendance here today. A copy of the transcript will be provided to you. The committee may have some follow-up questions.

MULVAY, MS SHELLE, Private capacity

THE CHAIR: Ms Mulvay, thank you for your attendance here this morning. Have you been seen the privileges card?

Ms Mulvay: Yes.

THE CHAIR: You understand the implications of the card? Thank you. Thank you for your participation. Do you want to make an opening statement?

Ms Mulvay: Thank you. I am a sex worker primarily based in the ACT. I have been working here since 1996 and I have been involved with Scarlet Alliance and SWOP as an outreach officer and peer educator. I would like to make a couple of points before we get to the questions. One is that a topic that has come up over and over again, especially in the submissions, is about vulnerable sex workers and the potential negative impacts of various issues around the industry on them. I think it is important to remember that when we as sex workers are in a position of privilege, where we can come in and discuss these things with the committee and talk about the potential negative impacts of legislation change and the current legislation, what we are really referring to are the negative impacts on those most vulnerable workers.

For some workers it will make very little difference to the way that they work, but it is really important to remember that some of these things are going to have real effects on people who are not in a position to deal with that very well in the course of their work, particularly around issues like registration. Because for many workers the fear of disclosure is much greater than any other fears that they have related to work or working in the industry or OH&S concerns.

For instance, around private registration, it has been commented many times that there are not very many private workers registered in the ACT as compared to the number that appear to be working. Some people seem to think that this is evidence that there are potentially small brothels operating in the suburbs or things like that. Actually, sole operators who are not registered are not registering specifically because of the impacts, which have already been discussed, on their lives.

There was a question earlier regarding some of that and whether or not there is evidence of those sorts of problems in the ACT. There is only anecdotal evidence of problems regarding private registration in the ACT. Likewise, there is anecdotal evidence from other states. It is important to remember that sex workers are often very transient, especially sole operators. So many of the sole operators who may be advertising in the ACT are not local workers; they have worked in other states. There are different registration requirements around Australia. A lot of people know someone who has had a negative outcome because of registration, not necessarily here but elsewhere.

Likewise, because of these concerns it is highly unlikely that if registration of brothel-based sex workers was encoded in this legislation people would comply with that. I fully expect that people would be reluctant to work in the legal brothels that are complying with registration, if that were the case, and instead they would be much

more likely to form into groups and potentially end up in situations where they had less choice around whether or not they could work safely.

It is always the case that if you provide people with many options and some of them are good and some of them are not, they will choose the good options. But if they have only that option left, that is where they will go. Many people will feel that they do not have any other options, unless they want to compromise their privacy and experience those negative outcomes in relation to themselves and their families.

I wanted to speak briefly to the ACT Policing recommendation that advertising require registration numbers. That is the case in Victoria. It could be one of the reasons why studies have shown that there is a very low rate of compliance in many areas of the industry down there, that it is simply too difficult. You would also end up with a situation where you are effectively making the *Canberra Times* responsible for enforcing the legislation, if that were the case.

There seems to be some indication that ACT Policing might believe that this will reduce the number of brothels in the suburbs when there really are not brothels in the suburbs to reduce the number of. There would be if you did it this way. If there are half a dozen workers and only one of them is in a position to register, then the other workers will work with that person and work under them.

There has been a lot of discussion as well around STIs and the sections of the act that relate to that. It has already been pointed out that this is covered in other legislation with regard to transmission. I think the distinction has to be made between a sex worker who is working with an STI and transmission. It is not the same thing. Someone can easily work with an STI without transmitting it to anyone.

It is also the case that, in other states that do not have these restrictions around working with an STI, HIV-positive sex workers are able to work and are able to work openly. HIV-positive clients are able to access those services in full knowledge and disclosure. That is not the case here. It is effectively saying that HIV-positive people cannot have sex in a sexual context. It should be the case that the same rules apply, whether there is money changing hands or not, with regard to that.

I think that is probably it for my opening statement.

MR HARGREAVES: One of the curiosities for me is that we have a set of rules governing a sexual encounter where it is a transaction. We do not have a set of rules where there is a sexual encounter between consenting adults and money is not changing hands. That seems to me to be a complete contradiction, almost. It is a strong word. It seems to almost discriminate against that consensual encounter when it is a business transaction.

Ms Mulvay: That is correct. The parts of the legislation that specifically deal with those things are unnecessary. If there is a case where someone is endangering another person, that is already covered elsewhere in the criminal code. It is not necessary to cover it again and single out the sex industry and sex workers.

MR HARGREAVES: Is that because we are turning a blind eye to non-transaction

encounters between individuals and saying, "That is covered by other bits and pieces. That is fine," and because the industry is a more obvious one for people to get their head around, we say, "We had better over-regulate that because we know about it. We do not know about the other stuff."? Do you think that is where the stigma kicks in a bit?

Ms Mulvay: I think so. I think it is very difficult for some people to understand that sex workers may have sexual encounters with hundreds or even thousands of clients and there is no STI transmission either way. That really seems to mystify people. I do think that, because there is a lack of understanding in the community about sexual health and STI transmission, that is why people get confused around that.

THE CHAIR: Can I go back to regulation and registration. You made extensive comment in your submission about the failure of the registration system and advised against a wider use of the registration system. For the committee, could you outline your perceptions about why registration is problematic?

Ms Mulvay: It is problematic because sex workers have experienced discrimination and harassment from government agencies in the past relating to their sex work status.

THE CHAIR: In the ACT?

Ms Mulvay: It is possibly disingenuous to restrict that to the ACT, given the transient nature of sex work.

THE CHAIR: We are inquiring into the operation of the Prostitution Act in the ACT. Is there evidence that sex workers in the ACT are being harassed, discriminated against or coerced by public officials in the ACT?

Ms Mulvay: By public officials, I would not know. I have not heard of any cases. I will comment that I have seen, on line, clients discussing tactics to use sex workers' registration status as leverage to blackmail them into providing services that they do not want to provide, such as unprotected sex. I do not know whether the clients are actually doing that or whether they are only talking amongst themselves about it. Yes, I have seen clients recommend that they ask a worker whether she is registered and, if she will not provide the proof, then try to use that to pressure her into doing things.

THE CHAIR: If that is the case, that could be seen as an argument in favour of registration. Registration, in that circumstance, would provide a protection to someone working in the sex industry.

Ms Mulvay: I think, if you removed the requirement to register, then that would not be an issue either. It would be a much more favourable outcome.

MR HARGREAVES: Can I ask whether or not in fact that is about people being aware that there is a fair degree of noncompliance and actually exploiting that degree of noncompliance? So the real issue is to address the noncompliance. If it was not there, whether it be because there was no need to register, that is an argument we can have later. But if there is a high degree of noncompliance and people know about that then they know there is a reason for it, and it makes the availability of exploitation

possible. Is that what I hear?

Ms Mulvay: Yes, that is definitely the case. Apart from the stigma and discrimination which people have discussed before, there is also a perception amongst sex workers that they are being singled out by the government, that there is no benefit to registering, that it is expensive, inconvenient and intrusive. There is no real, good reason for people to comply, and there are lots and lots of reasons not to.

THE CHAIR: Again, I go back to my question: what are the reasons for not doing so?

Ms Mulvay: I think that sex workers believe that it is ideologically offensive that they be singled out to register.

THE CHAIR: Do they believe that they are being singled out—

Ms Mulvay: Absolutely.

THE CHAIR: when plumbers, electricians, lawyers, doctors and dental technicians all have to be registered?

Ms Mulvay: That is true, but those are usually people with professional qualifications and they are registered for a good reason—so that you, for instance, know that the electrician knows how to wire your house without it being dangerous or whatever. In the case of sex workers, it is much more like a casual type of work. It is like the person who comes in to mow your lawns. He does not have to be registered. I think that the cost is a problem, too. Sex workers do not see why they should pay several hundred dollars a year for the government to keep track of them.

MS HUNTER: You also point out, Ms Mulvay, in your submission, and it may well go back to a point that Mrs Dunne made, that, with respect to sole operators on that list, those who register, it is accessible by public servants and police.

Ms Mulvay: That is correct.

MS HUNTER: You say, and there is a sentence in here:

> Past incidents of inappropriate persons being given access to this list have demonstrated that privacy is not adequately protected.

Could you give us a bit more on that statement?

Ms Mulvay: Prior to my work with SWOP, I had close relations with the previous SWOP employees, one of whom told me that when New Zealand was considering changing their prostitution legislation, a film crew came to the ACT to check what the legislation here was like and how it worked and that they not only viewed the list of sole operators but they filmed it. I think that really demonstrates that human error can occur. I do not think that anyone intended for that to necessarily negatively impact on anyone but you cannot be sure. And given the list of authorised people who can access that list, it is a real concern in a small town like Canberra that someone who is

your relative or a relative of someone in your family, like your partner, may be one of those authorised people who may see your name on that list.

THE CHAIR: Do you have any more questions, Mr Hargreaves?

MR HARGREAVES: The questions I had were adequately covered by the Scarlet Alliance and the AIDS Action Council.

THE CHAIR: Thank you very much, Ms Mulvay. The committee will provide a draft copy of the transcript. If there are any other follow-up questions, we will do that through the normal sources. Thank you very much for your attendance here today. That concludes the public hearing.

The committee adjourned at 12.05 pm.