

Hon Ben Dawkins; Hon Dr Sally Talbot; Hon Dr Brad Pettitt; Hon Stephen Dawson; Hon Lorna Harper; Hon Nick Goiran; Hon Matthew Swinbourn; Hon Peter Collier; Hon Peter Foster; Hon Dr Brian Walker; Hon Kyle McGinn; Hon Martin Pritchard; Hon Sandra Carr; Hon Dan Caddy; Hon Pierre Yang; Hon Darren West; Hon Sophia Moermond; Hon Ayor Makur Chuot

BIOLOGICAL SEX AND GENDER IDENTITY

Amendment to Notice of Motion

HON BEN DAWKINS (South West) [1.05 pm]: At the outset, I seek to amend my motion. By way of explanation, it is my intention —

Point of Order

Hon PIERRE YANG: Deputy President, I think the member needs to read in his motion.

The DEPUTY PRESIDENT: There is no point of order. I understand that Hon Ben Dawkins is seeking, by leave, to move his motion in an amended form. Is that correct, Hon Ben Dawkins?

Hon BEN DAWKINS: Yes, it is, Deputy President.

Debate Resumed

The DEPUTY PRESIDENT: I think you were about to say something further.

Hon BEN DAWKINS: I seek leave to move my motion in an amended form. By way of explanation, it is my intention to move the motion without paragraph (c).

The DEPUTY PRESIDENT: Members, is leave granted?

[Leave denied.]

Motion

Hon BEN DAWKINS: I move —

That the Legislative Council agrees —

- (a) that a person's biological sex is a fact;
- (b) that it is not scientifically possible to change a person's biological sex from one sex to the other sex at a cellular level; and
- (c) that in some settings, biological sex is more important than gender identity.

I will be focusing on the first two limbs—(a) and (b)—because I intended to remove (c). In any case, (c) can stand for the purposes of this speech.

Thankfully, the LGBTIQ community is now grateful for me having brought this motion to the house. The LGBTIQ community and I are on a unity ticket with regard to holding the government to account. We may be coming at it from different angles —

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon BEN DAWKINS: I cannot operate like this.

Several members interjected.

The DEPUTY PRESIDENT: Order! Hon Ben Dawkins has just commenced his contribution. I understand that we are discussing a serious motion, and I would like members to give each other the same courtesy of being able to put their point of view in relative silence.

Hon BEN DAWKINS: Today Brian Greig said on the website OUTinPerth that, effectively, he was grateful for the motion in the sense that it can hold the government to account. I will come to that further later. Mr Brian Greig also said that Ben Dawkins, MLC, is not the enemy here and that is quite true—I never was the enemy. An incompetent government is the enemy.

Mr Greig may be coming at it from different angles but we have the common purpose of holding the government to account. So let us take a giant chill pill and go back to December and January when the front page of *The West Australian* reported that the government was proposing to have genderless birth certificates for newborn babies. We should bear in mind that, apparently, that was subsequently ruled out. However, all the other changes that were mooted in that tranche of changes have not been ruled out. They include changing birth certificates retrospectively without the Gender Reassignment Board of Western Australia. A whole tranche of changes around birth certificates and so on are yet to play out. I ask the government whether these changes are still going to come through. Have they been delayed just to let the 2025 election take place and will they then be reintroduced by stealth? I think that probably will be the case.

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Back in January, three grandmothers came to my office—Phyllis, Jean and Carol. These ladies were outraged and were very worried for their children and grandchildren because of these proposed changes, including one that would allow birth certificates to be retrospectively changed without the involvement of the Gender Reassignment Board of Western Australia. There has been a lot of speculation about my motivations and values. All of it was completely wrong. I have communicated this to members of the house via email. Nevertheless, the hysteria has played out that I will perhaps be disrespectful to people. That will simply not be the case. What alarmed the grandmothers who came to see me is the message we will send to our children and grandchildren with this shambolic birth certificate proposal. A man can never become a woman, regardless of transition surgery, due to chromosomal differences. That is what this motion says. Why is the government confusing the heck out of us and our kids by suggesting such a ridiculous doctoring of birth certificates? The people of WA, including the LGBTIQI community, deserve to know where those proposals are at. Have they been parked just to let the 2025 election get out of the way and will they then be introduced by stealth? I tried to have that ruled out by the government during question time, but without success.

Other than trying to flush out an increasingly deceptive and out-of-touch government, why is it important to acknowledge biological sex as a fact and the impossibility of changing one's sex due to permanent chromosomal differences between men and woman, which is exactly what the words of this motion say? The first reason is our children. When we speak to adolescents, we find that many of them believe the mantra that a man can become a woman if they identify as such. That is what they are told on social media and in certain online groups. Although it is obvious to all of us in this chamber that a man cannot become a woman due to chromosomal differences, it is important that this chamber demonstrates leadership and passes my motion to this effect today. The fallacy believed by many of our kids—that a man can become a woman—is at the core of what Dr Miriam Grossman from the United States calls a social contagion. The clinical condition of gender dysphoria is really distressing. I have great empathy for those in the community with gender dysphoria, and hope that the families involved can receive excellent care, God willing. Dr Grossman says that gender dysphoria is very rare, affecting about one in 100 000 people, or probably even fewer. What is happening here is that there is an increasing presentation of adolescents who are seeking to transition. Our kids are being misled into thinking that they can become the other sex, when they clearly cannot.

This motion establishes a counterweight to the information perpetuated online and in schools that transition is even possible. Why is it important to provide a counterweight to this misinformation? That should be damn obvious. The damage to families and individuals from transitions that are later regretted is horrendous. My mate and constituent James talked me through the tragic circumstances of people who regretted their surgery. Passing my motion will also assist the medical debate at the moment. In WA, the government prefers the gender affirming model of care—affirming a gender that the child can never be. Does anyone else see the danger with that approach? Dr Jillian Spencer from Westmead Hospital in New South Wales, who would know better than any of us, says that there should be watchful waiting. That sounds a lot more sensible. Let children go through puberty and wait, watchfully. This is why the United Kingdom has recently banned puberty blockers. We have not. Holy mackerel, to quote my friend Hon Dr Steve Thomas. Let us move forward. Please help our kids by providing a factual counterweight to the misinformation online that is causing our kids so much confusion. Please do not politicise a motion that is simply a statement of fact. Members can take away the last limb of the motion—part (c)—if they want. I am abandoning that particular part of it. It is up to you.

Hon Kyle McGinn: You put it in there.

Hon BEN DAWKINS: It is up to you, mate.

Hon Kyle McGinn: You wrote it.

Hon BEN DAWKINS: I have changed it.

Hon Dan Caddy: Did you write it?

Hon BEN DAWKINS: No, I wrote it; I changed it.

Hon Kyle McGinn interjected.

The DEPUTY PRESIDENT: Order, members! I remind members that Hon Ben Dawkins has the call and that he is addressing his comments to me, the chair.

Hon BEN DAWKINS: There are other important reasons that we need to stop this government's ludicrous proposal to retrospectively change birth certificates—I call it doctoring—without the involvement of the Gender Reassignment Board and by a person simply consulting their general practitioner. The reasons are out there and perhaps might

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be spoken about by Hon Sophia Moermond. The reasons relate to women's change rooms, to protect women from intrusion into their personal space by biological men, and women's sport. Of course, it is also about providing clarity to emergency doctors about the biological sex of the person they are dealing with in the case that a person with a doctored birth certificate is rushed to hospital. Misinformation about the biological sex of a patient due to a doctored birth certificate could be fatal, as an emergency doctor will provide care based on thinking they are dealing with a person of the opposite biological sex and will not recognise that they need to apply a different treatment, as necessarily applies between the sexes.

In conclusion, I would like to acknowledge the contribution of the LGBTQI community in our society, including Brian Greig for his post —

Hon Kyle McGinn: I don't think they want you to.

Hon BEN DAWKINS: Thanks, Kyle!

Hon Matthew Swinbourn: Point of order!

The DEPUTY PRESIDENT: Order, members! I am not sure that the point of order is required, but I remind members that when addressing members of this place or the other place, members must refer to them by their correct titles.

Hon BEN DAWKINS: Thank you, Hon Kyle McGinn; your interjections are always appreciated.

Hon Kyle McGinn interjected.

Hon BEN DAWKINS: In conclusion —

Hon Kyle McGinn: Oh, you have finished! You've sat down now!

The DEPUTY PRESIDENT: Hon Ben Dawkins, you have the call.

Hon BEN DAWKINS: In conclusion, I would like to acknowledge the contribution of the LGBTQI community to our society. You guys do not have a monopoly on representing a certain part of society, as much as you think you do.

Hon Kyle McGinn: And who do you think you are?

Hon BEN DAWKINS: I am representing those three grandmothers, and others.

Hon Kyle McGinn: Oh, okay.

Hon BEN DAWKINS: Let us just go on. In conclusion, I would like to acknowledge the contribution of the LGBTQI community to our society, including Brian Greig for his post, which helped me to understand the issue more. In my humble observation, members of the LGBTQI community are often the best members of our community—fun loving, outspoken, dedicated to freedom of expression and freedom of speech, articulate, emotionally aware, empathetic and with cutting wit and charm. My former colleagues, neighbours and mates from school in this community are some of the best people that I know. Thank you for allowing me to represent constituents such as Phyllis, Jean, Carol and James by going on the record on this issue. I appreciate the good grace with which my motion has been received by Mr Greig and others. You are absolutely right: I am not the enemy.

The trans lobby is an essential part of the diverse fabric of our society. My favourite Eagles player, Danielle Laidley, is an example of someone who has really helped our understanding, Hon Kyle McGinn, of gender dysphoria and how to ultimately find peace and come to terms with one's identity. Perhaps the government would like to add something to my motion to affirm the LGBTQI community, but not delete my factual statements. The government can take out part (c) if it wants to.

Hon Kyle McGinn: No, you can't. It is in the motion that you put forward to the house.

Hon BEN DAWKINS: I am offering.

The DEPUTY PRESIDENT: Order, members.

Hon BEN DAWKINS: I sent you an email about it.

Hon Kyle McGinn interjected.

Hon BEN DAWKINS: Anyhow, I was talking about Danielle Laidley. Danielle played for North Melbourne in 1996, the year I met my ex-wife. I was in Gunnedah in New South Wales watching Danielle win a premiership with North Melbourne, my team since before the Eagles. Thanks for adding heaps to my enjoyment, Danielle. I am

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glad you are enjoying life more these days. You are a great role model and never lose that “shinbone spirit”; I have not. I commend the motion to the house.

HON DR SALLY TALBOT (South West) [1.20 pm]: Where to start? I think I will start as I have commenced before when we discuss issues that involve such enormously disrespectful and hurtful comments about people in our community. I will start with a personal word to all my trans and non-binary friends and all the trans and non-binary people in our community. I want to say that I am sorry for the pain that they have been caused by the tabling and subsequent moving of this motion. I am sorry for what they have been put through in the last week. I am sorry for the suffering it has caused in the lead-up to and during this debate. I want to assure the trans and non-binary community in Western Australia that they have the love and support of the majority of members of the Western Australian Parliament and they have the love and support of the majority of the Western Australian community. Let us be absolutely clear that we start from that basis.

Hon Ben Dawkins has made a number of contributions to this house over the 10 months, I think, he has been a member. Today he started his contribution by saying he was standing shoulder to shoulder with the trans and non-binary community, or was it the LGBTQIA+ community? He has a very strange idea about this. I do not know whether anyone has had a chance to see what Brian Greig actually wrote. He gives a bit of background and then he says —

Enter Ben Dawkins MP and One Nation. His anti-trans motion is not being proposed so that it passes, but to attract electoral support from the religious right. He is trying to outflank the Liberals and wedge the ALP.

A very noble cause, honourable member, if I may say so.

Hon Ben Dawkins interjected.

Hon Dr SALLY TALBOT: All I can say to Hon Ben Dawkins is, simply, if it walks like a duck and quacks like a duck, it probably is a duck. You want to have a good look at yourself. Just bear that in mind as you proceed on your messy way through this place.

Brian Greig goes on —

One Nation is posturing itself to win a seat in 2025 by fear mongering about gender diverse people.

I would hardly call that standing shoulder to shoulder. I think Mr Greig is a very canny political player and he sees this for exactly what it is, as do the majority of members in this place. We debate a variety of motions on a very diverse and wide range of topics, but rarely do we see this kind of motion make it into this place—the kind of motion that is aimed simply at whipping up hatred and fear. It is reminiscent of the witch hunts in the sixteenth century. That is where this stuff comes from. If members follow where this rabbit hole starts, it is in the sixteenth century with the witch hunts. They had their own version of social media in the sixteenth century; it was called the printing press. Once they could start getting messages out like this, there were these bizarre and cynical campaigns against people who did not hold the same kind of power.

At the outset, let me say that the reason I have been a member of the Labor Party all my life, the reason I spent the last 19 years battling away in this place as a member of the Labor Party, is that the Labor Party fights for fairness. The Labor Party has always fought against unfairness since it began about 130 years ago and it will continue to fight for fairness. We have been fighting for fairness since 2017 when we were elected and we will continue to fight for fairness in government. We fight for the removal of unfairness. Members will remember that I have in the past referred to that kind of Fabian aphorism, which comes from a Polish political philosopher, about socialism being about the —

... obstinate will to erode by inches the conditions which produce avoidable suffering ...

This obstinate will gives us the courage, strength and commitment to keep battling away at the conditions that produce avoidable suffering, but it is not easy. This is not a simple thing to undertake because, often when people are battling unfairness, they are trying to empower people who do not have power already. That means the people who have the power are not going to take it lying down so they stand up and start throwing the proverbial around. That is what happened when the first suffragettes took to the streets. That is what happened in the second wave of feminism. It is what is happening in the third wave of feminism. It is what happened when we reformed abortion laws. It is what happened when we introduced marriage equality. The people who perceive that their power is being taken away from them get up and throw around nasty stuff. That is exactly what is happening now.

If members look at Facebook algorithms, they will see that motions of this kind are consigned by the majority of people to the nutjob category; this just wacko stuff, bizarre and irrational propositions about cells and that sort of thing. Most people are not at all inclined to engage with this on any level. However, I notice that in one regard Ben Dawkins has taken my advice—I am proud to say it is the only regard in which he has ever taken my advice.

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Last time I spoke on these issues about a year ago, I advised a group of protesters outside the front of Parliament House that if they wanted to pursue these bizarre and irrational issues, they should probably go and join One Nation so that they could stand shoulder to shoulder with Pauline Hanson, who also pursues bizarre and irrational propositions. He has taken my advice on that. I do not know quite whether I am going to claim it as a victory but I thought it was worth noting.

At the heart of this motion, and the debate we are being forced to have today, is that it propagates the violence that those of us who are different have learnt to expect. Anybody who was paying attention when I last spoke on these issues a year ago will remember that I quoted the artist and performer ALOK when they said —

“Trans and gender-nonconforming people anticipate violence everywhere we go ... Every restaurant, every street, every city, every school, every place that I go, people harass me ...

This motion is part of that harassment. Members might say, “Yes, but this is parliamentary debate. Parliamentary debate is supposed upset people. It is supposed to be robust. It does not have to have regard to whether our words cause pain to people out there”, or they might say this is just a parliamentary tactic. Members all know the sorts of thing I mean because we are all aware of these tactics. Some of us might have even used them in the past. For example, a motion could be moved that says something like: “All kittens are cute and should never be tortured. All chocolate is delicious it and it should be free. Everybody earning \$200 000 a year should have a free car.” If I vote against that because I do not think people who earn that much money should have a free car, the next day the headlines will be that I approve of torturing kittens and I hate eating chocolate. Maybe the member thinks that this is that kind of motion. Is that what Hon Ben Dawkins is trying to do here? I do not think it is. My first reaction was that he had asked ChatGPT to draft him an anti-trans motion, but when I played around with ChatGPT, it told me that it would not do it because such debates were always disrespectful and hurtful. I do not know who drafted it for him. I have a few suspicions about where he got it from, but we will not get into that now.

I say to Hon Ben Dawkins, and anyone who is inclined to support him and this truly repulsive motion, that when they use Parliament like this, we are all damaged. That is what matters to me. When he treats this institution in this way, he demeans all of us. We know that trust in institutions is low. He cares not one jot for that. He is happy to come in here and do exactly what Hon Dr Brian Walker accused him of doing—play the motion for cynical political reasons and be damned any damage that is done along the way. He does nothing to stop that demeaning of all of us in this place. I say to him that when someone is in a position of leadership, which members are once they become a member of Parliament, and in a position of power, they have more responsibility, not less, to protect the people they represent. Their responsibility increases exponentially as their power increases, and that is absolutely the opposite of what we have seen from Hon Ben Dawkins.

Here we are, debating a motion about biological determinism or, as some people would call it, gender essentialism. Let us go through a couple of reasons why we cannot support this motion. I could start halfway through the last century with the French philosopher Simone de Beauvoir, who said that one is not born, but rather becomes, a woman. That was revolutionary at the time and, like all revolutionary statements, it has been pulled to pieces and put together in different ways for the last 75 years. I think it was published in 1949. I am not going to go into all the permutations of that statement that can be found in the writings of people like Foucault, Lacan and Kristeva. Judith Butler is another person who is writing about this very stuff right here and now.

Where that debate has got to is that we now accept the fact that one is not born, but rather becomes, a woman, and sex is also now regarded as a social construct. It does not make the sky fall down when people concede that point. Today, the idea that sex is immutable—that biological sex is the only real thing—has been taken up by what one might loosely call the anti-gender movement. These are people who are anti-feminist, homophobic and transphobic. They oppose the extension of reproductive rights and they oppose teaching about gender. In some ways we can say that this is just a rehash of traditional right-wing extremism, particularly when we look at American politics and, to a lesser extent, Australian politics. The problem is that it has now taken this sinister turn, because this group of anti-gender movement identifiers have lost some of their main arguments. They have lost marriage equality and they have lost abortion law reform, so what do they have left? Unfortunately, trans and non-binary people are now the target of this extreme right-wing group. I include in that Hon Ben Dawkins. As I say, if it walks like a duck and quacks like a duck, it is a duck.

I remember a debate a few months ago when I put to another member of this chamber that, ultimately, in these debates, we have to choose sides. I put it to Hon Ben Dawkins that he has chosen his side. He is now on the side of Pauline Hanson. He is on the side of Donald Trump. He is actually on the side of Vladimir Putin as well, which I am sure will give him great comfort, because a lot of the rhetoric that comes out of Putin’s mouth often includes reference to gender issues and the way that the west treats gender issues. Why is this important? Why do those of

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us who identify as members of the LGBTQIA+ community and people who identify in any way as progressive activists need to attack both the style and substance of these kinds of attacks? It is because at their heart is the premise—I put it to members that it is a deeply flawed premise—that what we are is more important than who we are. That is clearly the sentiment at the heart of the motion that Hon Ben Dawkins has moved today—that what we are is more important than who we are.

There has been lots of commentary that can be drawn on. If people want to seize some of the commentary about that subject from the last 50 years, it is easy to find. I took as my starting point a marvellous TEDx talk that I saw some years ago by LZ Granderson called “The myth of the gay agenda”. He did a beautifully subtle rendition of the gay agenda. He is a gay man. Hon Ben Dawkins might have retracted this, but I think he referred to the trans agenda or something like that: “What is this gay agenda?” LZ Granderson essentially said, “I had a good look at my own life and what I want to tell you is that this is what constitutes the gay lifestyle. I get really angry when I’m sitting in traffic jams when I’m late to work. It frustrates me queuing at airports; I hate airport queues. I really spend too much time in the day shopping, cooking and preparing food for teenagers who seem to have inexhaustible appetites.” Do members see the point he is making? What is this gay agenda? It is the same as everybody’s agenda. It is the same as the people next door’s and the people over the road’s agenda. In real life, everybody is worried about the same things. This thing that Hon Ben Dawkins is trying to shoot out of the sky does not exist. I say—I do not think I will be alone here—that who you are is more important than what you are. The who you are is how you answer questions like: What is my place in the world? Where will I study? Where will I live? Whom will I love and be loved by? They are who am I questions, not what am I questions.

I want to put some direct questions to Hon Ben Dawkins. He came into this place 10 months ago and told us that he was not interested in politics but had always been fixated on Canberra, which I thought was an interesting way to start a political career. He also shared with us his psychiatric report. He obviously put some thought into that. It was not an off-the-cuff reference; he went into some detail. It was clear to me—I am sure I was not the only one sitting in this chamber it was clear to—that the who am I question has been central to this member’s life for most of the time. Hon Ben Dawkins knows—at least he pretended to us that he knows—what it is like to try to find your place in the world. He told us that he knows about the struggle to move beyond how other people define us. He also told us that he knows about the anguish of feeling that nobody understands who you really are. Those are who questions, and they are the very ones that he is trying to silence us on when it comes to trans and non-gender people. Maybe it is simply a case that he actually does not know and that that was just a bit of a rhetorical device to hang his inaugural speech on. Maybe he genuinely cannot empathise. Maybe he genuinely has no respect for the trans and non-binary community. Maybe he cannot engage with that community.

Maybe he is not even interested in understanding how people are engaging with these questions. If so, I have a further question for him: why does he think the state should get involved in answering those “who am I?” questions? That is what he is proposing. That is what he was trying to do yesterday, with all those questions that were ruled out of order. Why does he want to give this power to the state to tell me who I am, or to tell him who he is? He has struggled with this all his life, and now he wants to impose this very thing on the rest of the community. That is what questions about sex and questions about gender are about: they are about the “who am I?” questions. To answer them requires sensitivity and respect. None of that has been shown by the mover of this motion.

HON DR BRAD PETTITT (South Metropolitan) [1.40 pm]: The rights of trans, gender-diverse and intersex folks are non-negotiable. I want to start today by reaffirming the Greens’ support for and solidarity with the LGBTQIA+ communities. I also acknowledge those who are in the chamber today, and thank you. Hon Ben Dawkins should have a conversation with those people if he is serious about this, because these are real people with real lives and real stories that I think he would greatly benefit from hearing.

The Greens support this community, especially trans, gender-diverse, non-binary and intersex folks, many of whom are still reeling from attacks on their very right to exist. LGBTQIA+ people, particularly the trans and gender-diverse communities are, as Hon Dr Sally Talbot mentioned, subjected to harassment, hate, threats and extremism, all of which are often encouraged by far-right groups and politicians. It is clear they are trying to use these kinds of transphobic displays and stunts as a form of recruitment and, perhaps, electoral relevance. In the face of dwindling support for such extreme views, these politicians and far-right figures are getting louder and their stunts are becoming more frequent. Frankly, there is no place for it, especially here.

The Greens wholeheartedly reject the politics of hate and we will always stand in solidarity against bigotry in all its forms. Leaders in the transgender, gender-diverse and intersex communities are calling for the kind of language contained in this motion to be called out in the strongest possible terms. Frankly, we are being forced to waste time on this motion today. I was thinking about all the things that we could be discussing and debating, like the cost

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of living, the housing crisis or climate action; yet here we are, debating this. However, the standard we walk past is the standard we accept, and as Greens, we have always stood proudly against those who would beat down on communities at risk.

All people have fundamental human rights and are entitled to protection under the law, without any discrimination, including on the basis of sex, sexual orientation or gender identity. As people in this place know, because I have spoken about this many times before, that protection is sadly not as strong as it could be here in Western Australia. I hope that a motion like this will remind the government why it needs to follow through on its promise to abolish the Gender Reassignment Board and get on with reforms to the Equal Opportunity Act. By moving on with these things, we can actually put them behind us and hopefully see less of these sorts of stunts from people trying to remain relevant. I certainly hope we see some stronger action in this space before the next election. That is what the community has been calling for and it is also the right thing to do.

The civil liberties, human rights and democratic freedoms of people with diverse sexualities, gender identities and intersex status must be supported and defended. The erasure of the existence of this diversity can be offensive, hurtful and detrimental to the wellbeing of these communities and to our society as a whole. People have the right to self-identify their gender, which is integral to people's lived experiences as citizens and members of the community. We recognise that transgender and non-binary gender identities exist and are valid.

Members who were here last week will remember a powerful story I read from Michelle in an adjournment statement, and I want to re-read a small part of that because it has great relevance here. It states —

... I am a 56 yr. old woman with innate variations of sex characteristics also known as intersex ... 1.7% of the population are born with natural variations of sex characteristics, we have existed since the beginning of humanity and today we still fight for our existence.

When I was born Doctor's didn't know what box to tick on my birth certificate and many lab tests later, they decided to tick Female, but that wasn't enough for them, I had to look female. At the tender age of 4, I had surgery on my genitals without my personal informed consent. This surgery was harmful, it caused irreversible loss of sexual function, the inability to ever orgasm, it caused trauma, shame, permanent scarring, and PTSD.

What was the purpose of surgery? It was so I would fit into a binary box because to be different was just not acceptable to doctors or to society ...

That is obviously something that happened 52 years ago. I hope today we have learnt that the binary way of thinking no longer applies and no longer has a place, because it is not the lived experience for many people in our community.

Part (a) of this motion states "that a person's biological sex is a fact". This fails to understand the lived experience of many in our community. Furthermore, society should be free from harassment, abuse, vilification, stigmatisation, discrimination, disadvantage or exploitation on the basis of the actual or perceived sex, sexual orientation, gender identity or intersex status of a person, or someone they are associated with.

The majority of Australians support trans and gender-diverse people and their right to exist. They should have the freedom to affirm their gender. Any medical interventions involved in this process should be guided by the young person, their families and their medical specialists. For some trans, gender-diverse and intersex people, this kind of health care can be lifesaving. We have heard that this is a real issue, and we are seeing entirely disproportionate suicide rates. That is not helped by motions like this that, frankly, read like harassment of those communities. This kind of health care can be lifesaving, and everyone has the right to have their specific health needs met with equity, dignity and respect. LGBTQIA+ people deserve to feel safe, respected and valued, living their lives treated as equals and free from discrimination. For these reasons, I will be voting against this motion.

[Interruption from the gallery.]

The DEPUTY PRESIDENT: Order, members! I remind the public gallery that proceedings must be observed in silence.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [1.47 pm]: I rise to make a contribution to this debate as a gay man and also a proud member of the LGBTQIA+ community in this state. Can I say at the outset to Hon Ben Dawkins, the LGBTQIA+ community is not on the same page as you. Your motion today disgusts me, and certainly the language in your motion is offensive to many in this house, particularly on this side of the chamber. Your motion assists no-one. It is the type of action that a playground bully would take— to pick on those that you deem to be the weakest in society. In this case, you are picking on the transgender and non-binary communities, and I find that disgusting; absolutely disgusting.

Hon Ben Dawkins; Hon Dr Sally Talbot; Hon Dr Brad Pettitt; Hon Stephen Dawson; Hon Lorna Harper; Hon Nick Goiran; Hon Matthew Swinbourn; Hon Peter Collier; Hon Peter Foster; Hon Dr Brian Walker; Hon Kyle McGinn; Hon Martin Pritchard; Hon Sandra Carr; Hon Dan Caddy; Hon Pierre Yang; Hon Darren West; Hon Sophia Moermond; Hon Ayor Makur Chuot

As an Independent member, you have one motion a year in this place, and this is what you chose. You should be ashamed. I am certainly ashamed that this chamber is debating this motion this afternoon, because it is offensive and it is picking on those in the community who do not get the support from the rest of the community that they deserve. As a gay member of society, I have been bullied over the years. People have said terrible things about me, but I know that what people say about me now and what they say about the transgender community are chalk and cheese. The transgender and non-binary communities face enormous hostility from certain sectors of the community, and you are just perpetuating that this afternoon. It is shameful. I want to place on the record that in 2017 the Telethon Kids Institute undertook a study that was targeted towards mental health and care pathways of trans and gender-diverse young people in Australia. The results revealed that four out of five, or 79.7 per cent of young trans people, have self-harmed with one in two attempting suicide. Additionally, 74.6 per cent of young trans people have been diagnosed with depression; 72.2 per cent have been diagnosed with anxiety and 25.1 per cent have been diagnosed with post-traumatic stress disorder.

Gender-affirming health care can be lifesaving for this community—for the transgender, the gender-diverse and for the non-binary communities. Gender affirming health care focuses on people’s physical, mental and social health needs and wellbeing while confirming their gender identity. Within that Telethon *Trans Pathways*, two in every five participants stated that when seeking support from health service providers, there was a knowledge gap in trans issues, which included gender-affirming language. That is what the member’s motion should have been about this afternoon: helping—providing more services to the transgender and non-binary community; not using the language he used, which is offensive and discriminatory. He should be ashamed of himself.

Obviously, this is a play to get more votes for Pauline Hanson’s One Nation, and good luck to you, mate, is all I can say. Certainly, people on this side will not be party to you whipping up fear in the community. It is disgusting. Why can the member not live and let live? We are very pleased as a government to be providing support to organisations like the Freedom Centre, which does amazing work, as does WAAC and TransFolk of WA. I recognise there is more to be done and the Attorney General is on the record as saying legislation is being drafted at the moment to do away with the Gender Reassignment Board and replace it with new streamlined administrative processes for sex and gender recognition. We will continue to work on that. The commitment to deliver it is there.

What we are debating today is frankly disgusting. It is shameful and you should be ashamed, member, for bringing this debate before this house at this time. There are so many important things in society and for you to use this language to again try to condemn people who are trying to live their lives as citizens of Western Australia is quite frankly appalling. Just to be clear, we will not be supporting your motion this afternoon.

HON LORNA HARPER (East Metropolitan) [1.52 pm]: I was in two minds about standing today. My initial thought was to ignore it, like I would do with a child. I would ignore the behaviour like I would do with a naughty child, but as Hon Dr Brad Pettitt said, the standard we walk by is the standard we accept, and this is not a standard; this is a disgrace. I find the words abhorrent. I join Hon Dr Sally Talbot and offer, from many of us here, my apology to the trans and non-binary community. I cannot imagine how the words of hate here make you feel. We are here to support all citizens of WA, irrespective of gender, sex, colour, creed and, unfortunately for some, idiocy. The idiocy is that in this day and age people try to use hate speech to put divides in the community. We will stand strong against this kind of hate speech. It is very difficult to stand here and talk without lashing out and using words that are unparliamentary—that is how upset a lot of us are.

Everybody has a right to live within the law. Everybody has a right and has earned the respect of everybody else. When the member for the South West Region mentioned the three grannies who came to visit his office, I thought, “Oh, I think I’ve met those grannies.” They may or may not have been the grannies who, when I was at the protest against the protest for drag story time in Bayswater, there were three older women who had a sign that said something about, “Protect our grandchildren”. They were screaming and yelling in the face of the young people beside me. How does screaming and yelling in their faces change anything? How does this kind of hate speech change anything? We stand beside our colleagues and our friends as allies in the trans community and all I can say is that the member for the South West Region had “urgent parliamentary business” elsewhere; some people would call that a cowardly act —

The DEPUTY PRESIDENT: Order, members! Just a couple of things—there are six members representing the South West Region; therefore, it is probably better to refer to the member’s name or title. It is probably best for clarity and *Hansard* purposes to refer to a member’s title and name, rather than the region they represent. I remind members that when referring to where members are, that we refer to the members being away from the chamber on urgent parliamentary business. I remind members of standing order 45, with respect to personal reflections.

Point of Order

Hon Ben Dawkins; Hon Dr Sally Talbot; Hon Dr Brad Pettitt; Hon Stephen Dawson; Hon Lorna Harper; Hon Nick Goiran; Hon Matthew Swinbourn; Hon Peter Collier; Hon Peter Foster; Hon Dr Brian Walker; Hon Kyle McGinn; Hon Martin Pritchard; Hon Sandra Carr; Hon Dan Caddy; Hon Pierre Yang; Hon Darren West; Hon Sophia Moermond; Hon Ayor Makur Chuot

Hon PIERRE YANG: Deputy president, as you were giving your remarks, Hon Ben Dawkins was moving through the chamber. As part of the standing orders and efficacy of this place, when the Presiding Officer is speaking, all members shall stop.

Several members interjected.

The DEPUTY PRESIDENT: Order! Members, no-one has the call at the moment and it is very difficult to take advice when there are interjections in the chamber. I remind members of the standing orders, but in particular that there is a laminated card at the start of the standing orders entitled, “Chamber etiquette”. Hon Pierre Yang is correct that when a presiding member is speaking, or putting a question, those in the chamber shall be silent and motionless.

Debate Resumed

Hon LORNA HARPER: I apologise, Deputy President. I will keep that in mind. The person I was referring to, Hon Ben Dawkins, has re-entered the chamber—to clarify who I was referring to. I will leave my comments there. I do not need to listen to any more of the propaganda from—I cannot even say people; however, I can probably bet on who would send him the wording anyway. I apologise to the trans community. We stand by them and we will always stand by them.

HON NICK GOIRAN (South Metropolitan) [1.58 pm]: I do not intend to be long in my consideration of the motion presently before the house. When notice was given of this motion it was not my intention to contribute at all. I am inclined to do so this afternoon because what I have heard so far in the course of the first, almost an hour, of this debate, on more than one occasion, is the suggestion that what the honourable member and mover of the motion has done is a form of hate speech. I have heard repeated pleas for respect. The most recent contributor to the debate reflected on an episode that she had seen in another place, in another forum in which there had been alleged shouting in people’s faces.

I am inclined to contribute to this debate this afternoon for a few reasons. Firstly, what I have observed ever since this honourable member has come into this place has been a sustained hatred for the member by some members opposite. I find it odd, curious and borderline bizarre that some members opposite are obviously still aggrieved by some historical internal matter that happened within the Labor Party—something I know nothing about and do not particularly care to know about. I will say this. Every single member of this place—all 36 members—have a right to move a motion. They have a right to have a say and to have a view. What we observed yesterday was also a particularly unedifying spectacle. Speaking of shouting in the face of a member, one parliamentary secretary chose, for reasons I still do not understand, to shout their response to an honourable member who was sitting virtually beside them. Another honourable parliamentary secretary declined, for the reasons he gave, to then provide a response. I do not understand how those same members or that same party can then call for respect in this debate and for people not to shout at others and not to perpetuate hate speech when their behaviour seems to be the opposite. That is the first point I make.

The second thing I found curious this afternoon was that a seemingly unobjectionable request for leave to amend the motion made by the honourable member was not granted. The motion is actually his at first instance; it had not even been moved and put to the house. The proposed amendment would not have amended the motion in a substantive fashion. If people disagree and think it was a substantive change, by all means, they should feel free to get up in due course and argue that. But the honourable member said that he would like to delete limb (c) of the motion presently before the house.

Several members interjected.

The DEPUTY PRESIDENT: Order, members!

Hon NICK GOIRAN: If members want to familiarise themselves with limb (c) on the notice paper, that was the limb that I understood the honourable member sought leave to have removed. Leave was not granted. I find that curious. What are people fearing with regard to limb (c)? I find the attitude of members opposite to this member particularly curious. I refer firstly to the attitude displayed in recent times and secondly to the attitude displayed this afternoon.

Thirdly, Deputy President, I would like to seek your guidance on standing order 74. I am interested to know whether you would be inclined to divide the question presently before the house. It seems to me that some honourable members clearly have a very strong view on this motion that is being proposed. That is fine; they are entitled to have that view. But in trying to have an orderly debate, it seems somewhat absurd, if I can put it that way, that the mover of the motion does not want to include limb (c), and yet we are asking members to have a view and vote on the motion in its totality, including the limb that the honourable member has asked to be removed.

Hon Ben Dawkins; Hon Dr Sally Talbot; Hon Dr Brad Pettitt; Hon Stephen Dawson; Hon Lorna Harper; Hon Nick Goiran; Hon Matthew Swinbourn; Hon Peter Collier; Hon Peter Foster; Hon Dr Brian Walker; Hon Kyle McGinn; Hon Martin Pritchard; Hon Sandra Carr; Hon Dan Caddy; Hon Pierre Yang; Hon Darren West; Hon Sophia Moermond; Hon Ayor Makur Chuot

Hon Matthew Swinbourn: How is the question complicated, member?

Hon NICK GOIRAN: Honourable member, that is exactly the question that I am asking be —
Several members interjected.

The PRESIDENT: Order, members!

Hon NICK GOIRAN: If I might continue, Deputy President. I am interested in your view on whether you would be inclined to invoke standing order 74 for the orderly progression of this motion in light of the circumstances this afternoon. I simply pose the question to the Deputy President, as I am entitled to do, and I look forward to a ruling in due course. If honourable members opposite want to get agitated about standing order 74, let us have another debate about that on another occasion.

I am particularly interested in the question either being divided or, alternatively, being amended—I foreshadow at this time an amendment in the event that you decide not to proceed down the path of standing order 74—because of limb (a). I listened very carefully to the contribution of Hon Dr Sally Talbot. Having listened to that contribution, it is clear that the honourable member holds a view that sex is a social construct. I do not say that in a disparaging way to the honourable member; that is simply what I understood her contribution in part to convey. It will perhaps not surprise the honourable member or others that I do not share that view. In fact, I hold the view, as stated in the motion here, that a person's biological sex is a fact. I would like the opportunity, if possible, to be able to support that first limb of the motion. I am quite happy to have my name on the public record as a person who says that a person's biological sex is a fact. I also acknowledge that there will be others, like Hon Dr Sally Talbot, who will disagree with me and want to be on the other side of the chamber. What I find undesirable, Deputy President, and I am appealing to you for some order this afternoon, is that we have a somewhat farcical situation whereby the mover of the motion clearly does not want limb (c) to be voted on this afternoon, yet we are being asked to consider the motion in its totality.

Point of Order

Hon NICK GOIRAN: Deputy President, without giving up the call at this stage, because I may need to move an amendment, I seek your guidance on standing order 74 as a preliminary issue.

Ruling by Deputy President

The DEPUTY PRESIDENT: Hon Nick Goiran has sought my view with respect to the application of standing order 74, which is —

Division of Complicated Question

The President may order a complicated question to be divided.

It is effectively a question of whether the threshold has been met that the question before the chair is indeed complicated. I think that one needs to be careful of establishing a precedent and a low threshold; otherwise, we will probably be here every Wednesday asking the President to rule on dividing what a member may consider to be a complicated question.

With respect to the motion that we are considering, which was moved by Hon Ben Dawkins this morning, I do not consider it to be a complicated question; therefore, I will not divide the motion.

Debate Resumed

Hon NICK GOIRAN: Deputy President, thank you for that clarification and that ruling, which I acknowledge and respect.

As I say, I foreshadow that I will look to move an amendment to the motion, and the amendment, which of course you will require in writing from me, will be to delete limbs (b) and (c). If that particular amendment were to be successful, the Council would be agreeing to only limb (a), that a person's biological sex is a fact. As I say, given the contribution of at least one member previously and probably more, I acknowledge that it is plainly the case that there will be some members who choose to disagree with that motion. Evidently, there will be at least two of us who think that biological sex is a fact, and I would like the opportunity for us to resolve that particular question this afternoon, if possible.

Deputy President, before I provide that amendment to you in writing, noting that will be the end of my contribution, and also respecting the fact that evidently many members this afternoon want to contribute to this debate, I simply ask this question on limb (a) of the motion. I am not going to get drawn into limbs (b) and (c) at this point, because, as members have already heard, it is my intention to move that they be deleted.

Hon Ben Dawkins; Hon Dr Sally Talbot; Hon Dr Brad Pettitt; Hon Stephen Dawson; Hon Lorna Harper; Hon Nick Goiran; Hon Matthew Swinbourn; Hon Peter Collier; Hon Peter Foster; Hon Dr Brian Walker; Hon Kyle McGinn; Hon Martin Pritchard; Hon Sandra Carr; Hon Dan Caddy; Hon Pierre Yang; Hon Darren West; Hon Sophia Moermond; Hon Ayor Makur Chuot

With regard to the question of a person’s biological sex and whether it is a fact, or, as Hon Dr Sally Talbot puts it, it is a social construct, I will ask members this question this afternoon. Some members, like me, are parents. I suspect I am not the only person, as a parent, who when my wife and I were going through her pregnancy, was asked by people, “Are you having a boy or a girl?” We were asked that question. I do not think that when we were asked that question, that was a particularly strange, bizarre or unusual question. In fact, it has been my experience, at the age of 46 years, that this is actually quite a common question. I think it is still a common question in 2024. I suspect next week when I see a woman friend who is pregnant, somebody will ask them, “Do you know if it is a boy or a girl?” I suspect there may be one or more members who disagree with me about that, but I do not think that when somebody asks that question that they are intending to be offensive. I do not think there is any hate speech involved in that. I do not think there is anything disrespectful.

Again, if you strongly hold the view because of your ideology that even asking that question, to articulate that question, is a social construct and that you are falling into some kind of social construct quicksand, that is okay; you are entitled to have that view. I do not hold that view. I think it is perfectly normal for a Western Australian to go and see another person whom they love and care for and say, “Do you know if it is a boy or a girl?” I think it is perfectly fine and there is no hate speech involved at all if that person says, “Yes, we’ve been told we’re having a boy”, or, as was the case for my wife and I, “Yes, we’re having a girl.” I think it is okay for people to celebrate that at that particular point in time. The question I ask members is: are you okay with that? If you are not okay with that, that is fine. You hold a different view from the one I hold. But if you are okay with that, how does a person answer the question of whether they are having a boy or a girl other than if it is the case that a person’s biological sex is a fact. I simply provide that by way of an illustration in the hope that members might appreciate, understand, maybe not even necessarily agree, but perhaps respect the fact that that is the basis upon which I would like to support limb (a), which is that Legislative Council agrees that a person’s biological sex is a fact.

With those words, I will now provide the Deputy President with my amendment in writing.

Amendment to Motion

Hon NICK GOIRAN: I move —

To delete limbs (b) and (c).

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [2.14 pm]: I stand to put the position of the government on the record in relation to the amendment proposed by Hon Nick Goiran. The position of the government is that it will not be supporting the amendment. I find it curious that the member is seeking to amend a motion on notice, which he is entitled to do, but I am sure I have been in here before when slurs have been cast across the chamber about the government amending other members’ motions and how inappropriate that is and how we should not do that sort of thing. Although the member is perfectly entitled to do it under the standing orders, it is curious to me that he has chosen to go down this path at this time.

We cannot support the proposed amendment because the whole motion needs to be condemned by this house in its entirety. We cannot carve off parts of it; the entire motion needs to be condemned by this house for what it is. I also do not quite understand what the member is trying to do here in terms of separating paragraph (a) from (b) because if it is the member’s view that a person’s biological sex is a fact, it flows logically within the context of that statement that paragraph (b) would also apply. I think the two are welded together, which is why Hon Ben Dawkins and whoever assisted him with this motion has put it in the frame that they have.

But the whole thing is repugnant. We are not supporting the amendment. We do not support the motion, and hopefully it will be voted that way at the end of this debate.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [2.16 pm]: I just want to take one minute on this amendment. Can I say that that was a very valid point and I do not approve of amending someone else’s motion. Can I say at the outset and for clarity that the opposition’s position on this motion and amendment is that we have a conscience vote.

Division

Amendment put and a division taken, the Deputy President casting his vote with the noes, with the following result —

Ayes (3)

Hon Ben Dawkins

Hon Dr Brian Walker

Hon Nick Goiran (*Teller*)

Hon Ben Dawkins; Hon Dr Sally Talbot; Hon Dr Brad Pettitt; Hon Stephen Dawson; Hon Lorna Harper; Hon Nick Goiran; Hon Matthew Swinbourn; Hon Peter Collier; Hon Peter Foster; Hon Dr Brian Walker; Hon Kyle McGinn; Hon Martin Pritchard; Hon Sandra Carr; Hon Dan Caddy; Hon Pierre Yang; Hon Darren West; Hon Sophia Moermond; Hon Ayor Makur Chuot

Noes (21)

Hon Martin Aldridge	Hon Lorna Harper	Hon Martin Pritchard	Hon Darren West
Hon Klara Andric	Hon Jackie Jarvis	Hon Samantha Rowe	Hon Pierre Yang
Hon Dan Caddy	Hon Ayor Makur Chuot	Hon Rosie Sahanna	Hon Peter Foster (<i>Teller</i>)
Hon Sandra Carr	Hon Kyle McGinn	Hon Matthew Swinbourn	
Hon Stephen Dawson	Hon Dr Brad Pettitt	Hon Dr Sally Talbot	
Hon Kate Doust	Hon Stephen Pratt	Hon Wilson Tucker	

Amendment thus negatived.

Motion Resumed

HON PETER FOSTER (Mining and Pastoral) [2:20 pm]: I also rise today to speak against this motion moved by Hon Ben Dawkins. I want to make it very clear from the outset that I completely oppose all three limbs of the motion, so there can be no doubt that I stand today to speak against the motion.

I understand the contribution of Hon Nick Goiran, but I believe it is harmful to our trans, gender-diverse and intersex communities, which have not been spoken about a lot about today, to call their identity into question. That is what this motion is doing. It is calling their identity into question, and that should be called out. I stand here proudly as a member of the LGBTQIA+ community in support of those who are trans, gender-diverse or intersex. As we have already seen in the debate today, members on this side of the house and some on the crossbench are also standing in solidarity with the trans, gender-diverse and intersex community.

I am proud to be a member of a government that has made a number of commitments to improve the lives of LGBTQIA+ Western Australians. As has been reflected upon today, this was the honourable member's only opportunity this year to move a motion on notice, and I find it astounding that this is the particular topic that he chose. I think that we should reflect upon that as well. As I was referencing the Brian Greig article published in *OUTinPerth* that the member quoted, and that Hon Dr Sally Talbot has called out, I came across another article that was also published today titled, "One Nation to push for inquiry into trans health based on UK decision".

It states —

One Nation leader Pauline Hanson has announced that she will push again for a senate inquiry into transgender healthcare ...

Hanson took to social media to announce the motion she'll be putting forward to the senate and said those who do not support her were "too blinded by their ideological obsessions".

"Any political party or senators that refuse to support this reasonable and fair inquiry are clearly too blinded by their ideological obsessions to be trusted with the safety, health, and wellbeing of our nation's children."

What a surprise! On the particular day that she announced this inquiry, the member has stood up in this place to back her in. We should not be surprised. We should not be surprised because, as I understand, Senator Pauline Hanson was in WA just a few short weeks ago. She gave a media conference out on the steps here at Parliament House and introduced the member as her new candidate for the One Nation party. What a train wreck media conference that was. Hanson was questioned by the media about the member's criminal convictions, which she denied. We all know that the member was convicted. The member might find that funny, but I certainly do not find that funny. I do not find family and domestic violence very funny either.

At this same interview, Pauline Hanson launched into a tirade about all violence restraining orders being used in cases for which there was simply no evidence.

Point of Order

Hon BEN DAWKINS: What is the relevance? This contribution is not relevant to this motion. We are talking about biological sex, and the member is going on about some sort of personal matter between my ex-wife and me.

Several members interjected.

The DEPUTY PRESIDENT: Order, members! No-one has the call, once again. That is twice in one day. There are a couple of observations that I will make. The point of order is effectively about relevance, and we need to make sure that whilst we have a debates that wander, they come back to the question before us. The other thing that I will remind the member about is personal reflections. I will be closely observing to ensure that standing order 45 is not breached.

Debate Resumed

Hon Ben Dawkins; Hon Dr Sally Talbot; Hon Dr Brad Pettitt; Hon Stephen Dawson; Hon Lorna Harper; Hon Nick Goiran; Hon Matthew Swinbourn; Hon Peter Collier; Hon Peter Foster; Hon Dr Brian Walker; Hon Kyle McGinn; Hon Martin Pritchard; Hon Sandra Carr; Hon Dan Caddy; Hon Pierre Yang; Hon Darren West; Hon Sophia Moermond; Hon Ayor Makur Chuot

Hon PETER FOSTER: I am bringing up this very important matter on One Nation and the announcement of Hon Ben Dawkins as a candidate because I am reflecting on the member putting forward this motion before the house today.

Jumping back to the article on violence restraining orders, Pauline Hanson is quoted as saying —

“I’m sick and tired of people thinking just because you have a domestic violence order against you that it’s gotta be abuse or physical violence, which it’s not ...

“Anyone can get a domestic violence order against him because they say they’re in fear. Well, that has to change.

“There’s a difference between physical violence and there is a difference between sending text messages or emails and trying to state your case. So I think it’s been blown completely out of proportion.”

As someone who has worked in the domestic and family violence space, I know that threats lead to actions. That is why there are rules in place for individuals to take out violence restraining orders to keep themselves safe from those who make threats towards them.

What else do we know about the One Nation party?

Point of Order

Hon BEN DAWKINS: The honourable member is fabricating things. There were no threats. The magistrate confirmed there were no threats.

The DEPUTY PRESIDENT: Order! No. Hon Ben Dawkins can take his seat. The member cannot make allegations against another member of the house that they are in fact fabricating what they say unless it is done by a substantive motion or raised as a matter of privilege. I remind you of the standing orders around that. I think it would be useful for the remaining time that we have in this debate that we return to the motion before us. I do not want to encourage members to contribute further on this topic during members’ statements, but that may be the opportunity to discuss other matters. I remind members that we are debating a motion on the notice paper about biological sex.

Debate Resumed

Hon PETER FOSTER: Thank you, Deputy President. I will move forward. I will finish on this point about One Nation. We know that it opposes vaccinations, rejects climate change, wants to reduce immigration and wants to stop taking in refugees. It is pro-life, and it does not support trans and gender-diverse community.

I had a look on Senator Malcolm Roberts’ Facebook page. He has posted a meme that he found hilarious. It states —

Just when I’m losing faith in society, I see a little old lady smile and give up her seat for a pregnant man. with a beard.

This is the calibre of individuals who call the One Nation party home.

I have spoken in this place a number of times about the importance of pride and being visible in our community. We know that for too many years, our community was denied freedoms in all manner of speaking around the world. People are persecuted, punished and jailed, and in some countries, they are actually put to death. LGBTQIA+ people in some parts of the world are actually put to death.

Every year, Transgender Europe publishes reports about how many trans people have been murdered. According to a report issued by this group as part of its annual trans murder monitoring research project, between 1 October 2022 and 30 September 2023, 320 trans and gender-diverse people were murdered just for being themselves. That has to be called out. Another article titled “Beaten, Stabbed And Shot: 320 Trans People Killed in 2023 — New Monitoring Report” also talks about the murder of members of the trans and gender-diverse community. We know from those statistics that 94 per cent of those murdered were trans women, 80 per cent were trans people also affected by racism, and the majority of the other people murdered were young people between the ages of 19 and 40. A lot of these attacks happen just out on the street. They were people returning from a nightclub or even at a nightclub with their friends celebrating their identity and living their true selves.

There was a recent high-profile murder in the United Kingdom of 16-year-old teenager Brianna Ghey, who was murdered in a premeditated attack by some of her colleagues at school. They followed her home and killed her.

I listened intently to the motion of Hon Ben Dawkins. I wonder if he actually knows what the words “biological sex” mean? In One Nation terms, do they mean that someone is either a man or a woman, and nothing in between? Unfortunately, as Hon Dr Sally Talbot said, the reality is not that simple. The more we discover about biology and genetics and the more that we listen to intersex people, the more we realise that things are more complicated than

Hon Ben Dawkins; Hon Dr Sally Talbot; Hon Dr Brad Pettitt; Hon Stephen Dawson; Hon Lorna Harper; Hon Nick Goiran; Hon Matthew Swinbourn; Hon Peter Collier; Hon Peter Foster; Hon Dr Brian Walker; Hon Kyle McGinn; Hon Martin Pritchard; Hon Sandra Carr; Hon Dan Caddy; Hon Pierre Yang; Hon Darren West; Hon Sophia Moermond; Hon Ayor Makur Chuot

that. The more that we listen to gender nonconforming and trans people, the more we realise that gender is more complicated than that, too.

I have a number of articles here. I note that there are quite a number of people who want to speak. The experts agree that there is much greater diversity in the very broad categories of male and female. I just wanted to quickly respond to Hon Nick Goiran's comments about asking someone whether they are having a boy or girl. Where does the intersex community fit in that conversation? There are people who were born with both male and female characteristics. Where do they fit in that conversation? People might be born with a penis and a vagina at the same time. Where do they fit in that conversation? Between one to two per cent of Western Australians are born presenting with intersex characteristics. Where do they fit in that conversation?

As I said, biology is a spectrum; it is not binary. Although it is true that we cannot alter our genetic heritage, it cannot always be forced neatly into one of these two categories. Intersex people have known that their whole lives, because they have been forced into one of those two categories at a very early age without their knowledge or consent. Sure, there are instances in which knowing a person's chromosomal make-up is important, but the point of this motion is not to say that biological sex matters, it is to say that trans, gender-diverse and intersex people do not matter. That is the trap that Hon Ben Dawkins is trying to set for us today. He wants the Council to vote for something that sounds like common sense but is actually much more complex, so that he can join his party's war on the trans people of this country. Weaponised ignorance is One Nation's specialty. Put simply, the house should not fall for it today. On that basis, I will not be supporting the motion.

HON DR BRIAN WALKER (East Metropolitan) [2.32 pm]: I hesitated to rise today because whatever I say will be castigated by whichever group. I want to actually point out that I think the motion today should not have been brought forward. While on one hand we are getting an evidenced scientific fact, on the other hand we are getting a contention of different opinions.

In medicine, I have learned that there is very much a biological prevalence. We have the X and Y chromosomes. The reason we want to know those is because there is a different prevalence of diseases in different sex groups. For example, one of the classical cases is that diagnosing a heart attack is easier in a man than a woman. One can imagine a woman coming to the emergency department with symptoms of a heart attack that are not recognised because people have not paid attention to the diversity of symptoms within the different sexes. We then realise how important this actually is. We need to have an open mind and be aware. I think this motion is actually trying to make us less aware.

On top of the question, very wise words were brought by my colleague Hon Peter Foster about the vast range of people who do not quite fit into the categories. That is very true. However, we do not so much need to address the presence of an X or Y chromosome or of secondary sex characteristics, but we need to address that something is affecting our society at a root and branch level. It is a symptom of the destruction that we are facing because of the attitudes within people that allow them to express hate from one to another. We see this reported every day in our news media, "Because you are different, therefore I hate you." What utter stupidity! Because of these ingrown attitudes that we allow ourselves to develop or that have been developed by others, we underpin the very racist attacks and the lynch mobs of whatever flavour there happens to be. We have the abysmal situation of a woman being unable to walk down the street without the fear of being attacked. The ability to hurt a child or an adult with whom you disagree is a violence inherent in society and is being expressed in this motion simply based on its question on sexuality and gender.

I must confess, within my own family—I will give no names, details or relationships—I have a transsexual member. I recall the intolerable pain and suffering that person went through, not just because they had to come to terms with, "Something is wrong here; I don't know what is going on", and the norms of progressing through life, but because of questions like "Where am I? What am I? Why am I? Should I kill myself because I am not who I think I am or where I should be?" and thoughts like, "People are criticising me. People are judging me. I am deeply unhappy. Maybe I should end my life." We cannot allow it to be normal for people to suffer this because they are different. It is obscene. We should not have this.

I think the very topic here about sexuality is one about the higher functions of the brain. How do we understand that you and I are human? We need to understand that we are citizens of one world and we are one people who actually come from the same stock. We are not different in our essence. We have different expressions of who we are. One person may be highly creative and able to paint with the most remarkable outcomes and other people are happy to just draw stick figures. People have different abilities to see the world. A photographer can take the same camera as me and take a picture that is stunningly different from the one that I would take because they see things through different eyes. We have the ability to appreciate people with different skills and abilities to make something of the beautiful world we have, only for someone who does not understand what they are doing to criticise them. It is so easy for that to happen now. We have trolls online spreading inanities about. Just because someone has an iPhone

Hon Ben Dawkins; Hon Dr Sally Talbot; Hon Dr Brad Pettitt; Hon Stephen Dawson; Hon Lorna Harper; Hon Nick Goiran; Hon Matthew Swinbourn; Hon Peter Collier; Hon Peter Foster; Hon Dr Brian Walker; Hon Kyle McGinn; Hon Martin Pritchard; Hon Sandra Carr; Hon Dan Caddy; Hon Pierre Yang; Hon Darren West; Hon Sophia Moermond; Hon Ayor Makur Chuot

does not mean that their opinion needs to be put out a public. I am sure members can all agree that the opinions we see are very often absolute trash, even some of the opinions of this chamber.

I think there are two very different points here. One is a biological question. It is a true question; X and Y chromosomes are obvious. If someone did a cell and gene analysis they would find that, but that tells them nothing about the person who has that particular form of genes. It tells them nothing about how they would respond. For example, I will use the Chinese example of the equivalent of very stinky cheese. If I walk past stinky cheese, I am abhorred and I cannot have it, but I will very happily eat durian. If I bought durian into this chamber now, members would all want to run away because of the smell because they would not appreciate it, whereas people like myself would—with a few exceptions here.

We have different opinions, feelings, needs and attitudes, but we are all one people. I think this motion has brought out the facility with which certain people can condemn other people because of behaviours or understandings that they do not share. That leads to aggression, violence, unhappiness and misunderstandings, which are the root cause of the discomfort we have in this world. I think we are heading towards a war in this society, not just with what we see with geopolitics, but within society itself. The root cause of that is that we do not treat each other with kindness. We must learn that living with each other with kindness is an essential attribute of a civilised society.

Although I have stood on the side of someone's biological sex being a fact, we cannot actually go into that and say, "We will play with that". I understand the argument from the Labor Party there. However, when it comes to the pure science and facts, it cannot be separated. How we deal with that is another matter altogether. I think it is an entirely personal matter: "How do I deal with who I feel I am?" As long as they are not going to hurt anybody else, I would think that is acceptable. The line I personally draw is when my behaviours and choices make it valid for me to hurt someone else.

There are some forms of behaviour about which you could say: "This is the way I was born. This is my natural thing. Don't criticise me. I am just doing what I am called to do." That is where I draw the line. For example, take the idea that someone is attracted to children; they are going to sexually force themselves on a child because they like it really, do they not? Members know what I think of that. They can tell. It is probably unparliamentary language so I will not repeat it. That is where I draw a line. Do not hurt others but be free to do as you think fit, living in peace and harmony, and with kindness. That is lacking so I stand on behalf of scientific fact; there is an X chromosome and a Y chromosome but what happens after that is very different. To my transsexual family member, I can wish only love because that person has gone through so much fear, pain and discomfort. When I suggested I could help them get a dress to come to an event, and support them in this with all the concerns they had, that person's family was so happy that someone took the time to stand with them and support them and accompany them through what might have been a traumatic experience, but actually was a beautiful experience. I raise the call here to understand the science but also understand the science of how we communicate with each other and with ourselves.

HON KYLE MCGINN (Mining and Pastoral — Parliamentary Secretary) [2.41 pm]: I will be very brief because I know many people want to speak. I, too, like Hon Dr Sally Talbot, want to acknowledge the members of the LGBTQIA+ community, particularly trans, intersex and non-binary people for what this motion may have brought up and what it may have caused indirectly or directly. I am going to be very quick. I think Hon Peter Foster was bang on the money. This was a cheap, tacky political stunt done by Hon Ben Dawkins in his attempt to pay back his fearless leader, Pauline Hanson. I think the connection was clear that Hon Peter Foster made with what they are doing in the Senate and that we have a puppet of our own here in the LC. I thought in the last Parliament we saw some pretty shameful acts by members of that party, no more strongly than former member Hon Charles Smith, but I think that has been topped in under 10 months by this member, Hon Ben Dawkins. In my electorate, this motion would belong in a skip bin in the 45-degree heat. That is where this motion should be. I want the LGBTQIA+ community in the Mining and Pastoral electorate to know, as they will know from Hon Stephen Dawson, Hon Peter Foster and Hon Rosie Sahanna, that we stand with them. Members on this side of the chamber are proudly wearing their badges today to stand with them. I give a special shout-out to Goldfields Pride, which I have had the absolute pleasure to work with over the last seven years. They would join me in condemning this useless motion in this chamber—useless.

You want to stand here and defend someone like Pauline Hanson so that you can go and get yourself elected. Is that what you think this chamber is about?

The DEPUTY PRESIDENT: Order, members.

Hon KYLE MCGINN: Disgraceful.

The DEPUTY PRESIDENT: I remind members that when they are speaking, they are addressing me, and not other members.

Hon Ben Dawkins; Hon Dr Sally Talbot; Hon Dr Brad Pettitt; Hon Stephen Dawson; Hon Lorna Harper; Hon Nick Goiran; Hon Matthew Swinbourn; Hon Peter Collier; Hon Peter Foster; Hon Dr Brian Walker; Hon Kyle McGinn; Hon Martin Pritchard; Hon Sandra Carr; Hon Dan Caddy; Hon Pierre Yang; Hon Darren West; Hon Sophia Moermond; Hon Ayor Makur Chuot

Hon KYLE McGINN: As I said, I would like to strongly support the Goldfields Pride community. Rainbow Labor has also shown me a lot since joining the party. I am sure they are aware that we are standing with them through this ridiculous motion brought by Hon Ben Dawkins—pathetic.

HON MARTIN PRITCHARD (North Metropolitan) [2.43 pm]: I will make a short contribution because I agree with Hon Dr Brian Walker that the intent of this motion is unkind. It has no other usefulness than to damage a part of our community. I will make a very short contribution. Hon Ben Dawkins has one opportunity this year, which I think has been pointed out by previous speakers, to direct a two-hour debate on issues that are important to his constituency. Jobs could be a bit more important than this particular motion, or affordable housing, or the cost of living. All those things could have been debated because they would have relevance and importance for his constituency rather than this self-serving motion that is designed for ulterior motives. Unfortunately, I do not believe the member is open to changing his mind so I am not going to waste his time and am certainly not going to waste my time. I oppose this motion.

HON SANDRA CARR (Agricultural) [2.45 pm]: I rise to state unequivocally that I do not support this motion. I stand by my colleagues who wholly reject the motion. I stand here to express my unequivocal support for the LGBTQIA+ community and also for the legislation that is to come and express my support for the legislation that the LGBTQIA+ community is advocating for. I would like to begin by addressing the amendment put by Hon Nick Goiran and make the point that statements do not exist in isolation. They exist with all that is said around them. If the motion stood for itself, there would be no need for debate. However, the honourable member's motion was to delete paragraphs (b) and (c), leaving the word "and" lingering —

- (a) that a person's biological sex is a fact; and

Perhaps it is appropriate that that word "and" should have been left dangling because, as a prima facie statement, as an intellectual contemplation, that statement is an interesting one to debate but the fact remains that human life is complex. Biological facts are not fixed. The word "fact" is complicated and is used in ways that I am very uncomfortable with of late. For example, honourable member, one of the biological facts that is changing at the moment is the male sperm count, which is 50 per cent lower today. Biological facts are changing so, from the outset, the member's motion is fundamentally flawed as it is based on the erroneous premise that transgender people are to be feared. How do I know that? It is through the language and explanation the member gave. His statements did not exist in isolation. He said things along the lines of "protecting women in their personal space" and my question is: protecting them from what? If he really cared about protecting women, he would care about family and domestic violence. He would be working and advocating to prevent sexual violence. He would be working to prevent micro-aggressions against women. He would be working on the legislation around stealthing and consent. I hear none of that from the member. In fact, I look across the floor and I see the honourable member laughing when those kinds of issues are raised. Please do not purport to say that the motion is about protecting women. It is about fear. It is about fear so I fundamentally reject the premise of his speech.

I would also like to turn to Hon Nick Goiran and this side of the room's rejection of his amendment, rejecting its characterisation as hate speech. I would like to refer the honourable member to the United Nations' definition of "hate speech" and he might like to reconsider. I quote —

In common language, "hate speech" refers to offensive discourse targeting a group or an individual based on inherent characteristics (such as race, religion or gender) and that may threaten social peace.

We already have evidence that when we do that to people in the LGBTQIA+ community and transgender people in particular, they become increasingly vulnerable to violence, disrespect, self-harm, health conditions, anxiety and depression. They cause harm. I implore the honourable member to take a different track, to show respect to all people in his community. I even accept that he is listening to Phyllis, Jean and Carol—women in the community. If he really wanted to support Phyllis, Jean and Carol, he would respectfully listen to their discussion and assure them they have nothing to fear. There is nothing to fear. If he really cared about Phyllis, Jean and Carol, he would be working to protect them as women in our community. I reject the entire premise of the member's motion, and I restate my support for the LGBTQIA+ community.

I would like to share with members something that I was reminded of when I first read this motion and then listened to the member's contribution. It is from one of my favourite films, *A Fish Called Wanda*. Otto argues that he has intellectual capacity and is a knowledgeable man and Wanda argues that he is not. Otto says, "Apes don't read philosophy" and Wanda responds, "Yes, they do, Otto; they just don't understand it."

HON DAN CADDY (North Metropolitan) [2.50 pm]: I will speak very briefly, primarily because I do not want to give any more oxygen to this motion than is absolutely necessary and also because many others have spoken very eloquently on the motion. This is the most abhorrent motion that I can recall in over 30 years of watching

Hon Ben Dawkins; Hon Dr Sally Talbot; Hon Dr Brad Pettitt; Hon Stephen Dawson; Hon Lorna Harper; Hon Nick Goiran; Hon Matthew Swinbourn; Hon Peter Collier; Hon Peter Foster; Hon Dr Brian Walker; Hon Kyle McGinn; Hon Martin Pritchard; Hon Sandra Carr; Hon Dan Caddy; Hon Pierre Yang; Hon Darren West; Hon Sophia Moermond; Hon Ayor Makur Chuot

debates as a keen follower of politics in this state. Because of that, I rise simply to place on record my absolute disgust at all three limbs of this motion. I am absolutely appalled, but the one thing that I will touch on, because it is the one thing that absolutely galled me, is the honourable member's attempt to align himself with the broader LGBTQIA+ community. That just beggars belief. I restate, as others have done, my absolute and unconditional support for the LGBTQIA+ community. I echo every word of my good friend and truly inspirational colleague Hon Dr Sally Talbot. What a fantastic contribution—in contrast to that of Hon Ben Dawkins. I oppose every aspect of this motion and every word that he said. It is a disgraceful, hateful and extremely appalling motion that he has brought to this place. It is an absolute disgrace.

HON PIERRE YANG (North Metropolitan — Parliamentary Secretary) [2.51 pm]: With shock and disgust, I wish to put on the record my position against this pitiful motion. I, too, like my colleagues, especially Hon Dr Sally Talbot, say to my friends in the LGBTQIA+ community that I stand with them and I am sorry that they have been put through this. This is dog whistling stuff. This motion is attacking a section of our community, and that is not on. It is not on! This motion is conveniently ignoring the complexity of people's lives. It is conveniently and cowardly using political games and rhetoric to try to get under people's personhood. It is attacking people at their core.

We all know that Hon Ben Dawkins is now a member of Pauline Hanson's One Nation. We all know that political survival for members of this place is something that we consider all the time, but please do not use this forum to gain a political advantage and, at the same time, cause harm and detriment to people of this community. It is disgraceful.

The mover talked about children in his opening remarks. Members on this side know that many young people and children are trying to find their place in our community. This motion will do nothing to help them find their place in our community. In fact, it will do the opposite. We have heard the word "ideology" mentioned a number of times today. I say from this side of Parliament that this motion has nothing to do with ideology. It has everything to do with human decency. This motion is the political equivalent of a bowl of vomit. This motion reflects henchman-like behaviour, in that the member is trying to talk to his political supporters on behalf of a particular political master.

In referencing our First Nations brothers and sisters, former Prime Minister Paul Keating said in his Redfern speech in 1992 —

We practised discrimination and exclusion.

It was our ignorance and our prejudice.

And our failure to imagine these things being done to us.

I stand with my First Nations brothers and sisters. I also stand with all decent Australians. I stand with my friends in the LGBTQIA+ community. I believe that every decent Australian would agree with me that Paul Keating's words back in 1992 have a lot of truth in this situation.

I remind members that it is a huge privilege to be a member of this place. We all have a time span in this place. We come and we go. Everyone here will leave this place one day. There is a saying that you want to leave a place in a better state than the way you found it. I am afraid that this motion will do the opposite. Therefore, I refute this motion in the strongest terms. I find it incredible and vulgar. It is really, really disappointing.

I am straight. I was born overseas in China. I am an Australian of Chinese cultural heritage. I did not choose these things, but I choose to be a decent person. I like to treat everyone who demonstrates a willingness to be a good member of the community with decency and respect. I know that my friends in the LGBTQIA+ community are decent people and they want to be treated with decency and respect.

I wish to add my rebuttal to this sordid statement moved by the mover out of cowardly ignorance and hatred. I wish to conclude my remarks by borrowing the words of Dr Martin Luther King Jr. I have a dream that one day all Australians will live in a nation where they will be judged not by the colour of their skin or their sexuality or gender identity, but by the content of their character. I have a dream, and the member should be ashamed of himself.

HON DARREN WEST (Agricultural — Parliamentary Secretary) [2.59 pm]: I also do not support the motion, predominantly for the reasons articulately put by Hon Dr Sally Talbot. My view is that this motion was contrived by a hard right-wing political outfit that is desperate for its political survival. It was contrived to incite a response. It will not get one from me today other than to say that I agree with all the speakers who spoke against the motion and to say to every member of the LGBTQIA+ community that I stand with you all, I respect you all, I admire you all, and I love you all for who you are. Keep being you because you have a lot more support in Parliament and across the broader community than you might realise.

HON SOPHIA MOERMOND (South West) [2.59 pm]: I just want to say that I do not think anyone should be discriminated against based on sex, race, religion, gender identity or sexual orientation. As a healthcare practitioner, though, the sex of my patients determines the types of conditions they present with and the types of treatments that

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I can offer them. There are certain herbs that are specifically used for females for regulating menstruation and other reproductive issues, and other herbs are very specific for men dealing with prostate cancer or prostate enlargement. Once again, I reiterate that no-one should ever be discriminated against. We should have a society based on equity and equality regardless of how someone presents in society.

Point of Order

Hon BEN DAWKINS: Can I have my reply now? I think it is standing order 66 —

The DEPUTY PRESIDENT: No, there is still a minute to go. There is no point of order.

Debate Resumed

HON AYOR MAKUR CHUOT (North Metropolitan) [3.01 pm]: I also stand to support my LGBTIQ+ community. We love you. You are part of our community and we are here in this Parliament to be your voice. Hon Ben Dawkins, when I was elected, I promised myself that I would not be a roadblock in Parliament. Clearly, since the member has been in Parliament—I do not want to point the finger at him—he has been representing the small group that he cares about but not the overall community of Western Australia. As someone who is here as a mother —

Point of Order

Hon BEN DAWKINS: Under standing order 66, can I have my reply? There is only four minutes left.

The DEPUTY PRESIDENT: Hon Ben Dawkins has the call.

Debate Resumed

HON BEN DAWKINS (South West) [3.02 pm] — in reply: Thank you, Deputy President. The contributions to my left are noted, but I have never heard a more nonsensical, fictitious bunch of nonsense. These people to my left have dishonestly —

Point of Order

Hon MATTHEW SWINBOURN: Given the member's predilection for raising points of order, he might like to refer to members on this side as honourable members rather than the people to his left.

Hon BEN DAWKINS: The honourable members to my —

The DEPUTY PRESIDENT: Hon Ben Dawkins, there is a point of order. I remind members that we refer to each other by our titles.

Debate Resumed

Hon BEN DAWKINS: It was an absolute bunch of nonsense from the honourable members to my left. I never said hardly any of the things that these people have inserted into my speech. I never mentioned Vladimir Putin — Several members interjected.

The DEPUTY PRESIDENT: Order, members! The member has a limited time and he has the right of reply.

Hon BEN DAWKINS: I never mentioned Vladimir Putin. There was no harassment and there was nothing about putting people to death, which was mentioned. It was a completely inflammatory and fictitious interpretation of my speech. I was supportive of LGBTIQ people. I spoke about gender-affirming care and watchful waiting, which Dr Jillian Spencer spoke about, but members opposite chose not to speak to any of that because they cannot. They do not know anything about it and are not up to date about where the debate is at on how to treat our children. It was a statement of fact. There was nothing offensive. In fact, it was the reverse.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon BEN DAWKINS: I supported LGBTIQ people.

Several members interjected.

The DEPUTY PRESIDENT: Order, members!

Hon BEN DAWKINS: If honourable members want to make up stuff that I did not say, they are wasting everybody's time. That is the level of competence that we have here. It is a waste of time for them to put stuff into my speech that I never said.

I would like to thank Hon Dr Sally Talbot because she talked about my mental health, and I thank her for raising that. I am very proud of my inaugural speech. I have been very well for six years, as I said in my speech. I found

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my place in society, and that is why I have commended people such as one of my role models, Danielle Laidley, for finding her place.

I never said anything discriminatory or offensive about anyone in the community. I simply came to this chamber today because of those three grandmothers who wanted to know about this ludicrous legislation that the honourable members to my left are going to bring in, with genderless birth certificates.

Several members interjected.

Hon BEN DAWKINS: It was on the front page of *The West Australian*.

Several members interjected.

The DEPUTY PRESIDENT: Order, members!

Hon BEN DAWKINS: I am entitled to raise things on behalf of Phyllis and Jean —

Hon Kyle McGinn interjected.

Hon BEN DAWKINS: Although Hon Kyle McGinn and Hon Peter Foster want to talk about that, again, they are completely wrong. Their contributions were so worthless today that it does not even bear thinking about.

Several members interjected.

Hon BEN DAWKINS: I do not even know about Pauline Hanson's Senate inquiry.

Several members interjected.

The DEPUTY PRESIDENT: Order, members! We have been able to conduct this debate by allowing everyone's point of view to be heard. I ask members to be respectful of the member who is giving his reply.

Hon BEN DAWKINS: It is absolute nonsense. I do not even know about Pauline Hanson's Senate inquiry. I wrote this speech this morning.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon BEN DAWKINS: I wrote this speech this morning. No-one wrote it for me. I wrote the motion myself with my staff. It is inflammatory to talk about ChatGPT. Obviously there are intersex people. It is very rare and I support everyone finding their way. I was simply trying to help the grandmothers out there in society who are concerned about the incompetent government's introduction of fictitious birth certificates. That is what I did.

Division

Question put and a division taken, the Deputy President casting his vote with the noes, with the following result —

Ayes (1)

Hon Ben Dawkins (*Teller*)

Noes (22)

Hon Martin Aldridge
Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Stephen Dawson
Hon Kate Doust

Hon Lorna Harper
Hon Jackie Jarvis
Hon Ayor Makur Chuot
Hon Kyle McGinn
Hon Sophia Moermond
Hon Dr Brad Pettitt

Hon Stephen Pratt
Hon Martin Pritchard
Hon Samantha Rowe
Hon Rosie Sahanna
Hon Matthew Swinbourn
Hon Dr Sally Talbot

Hon Dr Brian Walker
Hon Darren West
Hon Pierre Yang
Hon Peter Foster (*Teller*)

Question thus negatived.