

BIOLOGICAL SEX AND GENDER IDENTITY

Statement

HON BEN DAWKINS (South West) [6.27 pm]: Today, I believe that a bill was introduced into the lower house. It is the Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Bill. It caused me to reflect on the fact that biological sex is a fact and that it cannot be changed.

Point of Order

Hon KATE DOUST: I have a point of order.

The PRESIDENT: Just before the point of order, honourable member, you are not able in your contribution to allude to debate that is occurring in the other place. That bill is currently being debated in the other place. You may comment broadly on the content. We do not have a standing order in relation to alluding to debate in the other place, and as the bill is not listed on our notice paper yet, my strong advice to you is not to discuss the specific content of the bill but keep your comments to very broad issues in relation to the matter rather than the bill itself.

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Hon KATE DOUST: President, you have absolutely satisfied what would have been my point of order.

The PRESIDENT: Thank you. Hon Ben Dawkins.

Statement Resumed

Hon BEN DAWKINS: I will not make any references to that bill other than to say that, from the definitional point of view, what I am about to say may be useful, for reasons that will become apparent later. The Clinical Advisory Network says —

No. Humans cannot change sex, which was determined at fertilization (genotype) and during embryonic development (phenotype). People may change many features about their lives, such as their interests, hobbies, diet, friends or careers.

However, some facts are unalterable. A person's genetic inheritance, their biological sex, is an immutable characteristic. It is possible to change a person's outward appearance, including bodily features. Clothing, make-up and prostheses might be used by some people to modify how they look.

Generally speaking, there are two biological human sexes: males and females. There are exceptions, that being what is described as intersex. Intersex is a biological term that describes people with genetic anomalies. The number of people who fit this biological category is not entirely clear; however, estimates range from 1.7 per cent of the population, to as low as 0.18 per cent of the population.

Point of Order

Hon Dr SALLY TALBOT: President, it is very unclear to me what the member is talking about, but I am wondering whether he is quoting from a document. Could I ask that the document be tabled please?

The PRESIDENT: Hon Ben Dawkins, the member has requested that the document you are reading from be tabled, unless it is extensive personal notes.

Hon BEN DAWKINS: I am very happy to table the document. I have the URL; I do not have the physical document. Maybe the staff can print it off once I get to the URL.

Hon Dr Sally Talbot: You are reading from a document.

Hon BEN DAWKINS: Sorry? That was a quotation that Hon Dr Sally Talbot picked me up on.

The PRESIDENT: It is not clear that that was a quotation. We will ask you to continue your contribution. At the end of the contribution you may wish to provide information for the tabling of that document. As you know, a URL cannot be tabled.

Hon BEN DAWKINS: No problemo.

Statement Resumed

Hon BEN DAWKINS: Thank you, President. Now that we have addressed intersex people, we can focus on the two biological sexes—male and female. There are some differences between biological males and biological females. According to the US National Institute of Health, males and females differ in bone density. I can table this document if needed. It states —

In summary, despite comparable body size, males have greater BMC and BMD than females at the hip and distal tibia but not at the spine. Differences in BMC and BMD were related to greater cortical

thickness in the tibia. We conclude that differences in bone mass and geometry confer greater skeletal integrity in males, which may contribute to the lower incidence of stress and osteoporotic fractures in males.

Another way that biological males and females differ is in brain structure, with males and females being wired differently, which results in men and women having different strengths speaking in general terms.

The last example I will provide is about the heart. The Cardiology Associates of Michigan state —

There are several differences between the size and function of men's and women's hearts. Following are several of the most notable ones.

Size: By ratio, a woman's heart and some of its chambers are smaller.

Density: The walls that divide some of the chambers are thinner, and the veins are finer.

Function: A woman's heart pumps faster than a man's, but a man's heart ejects more blood with each pump.

Stress Reaction: Stress causes a woman's pulse rate to rise, leading to more blood being pumped. For men, arteries constrict, leading to a rise in blood pressure.

There is a document that can be tabled. I have the URL here. Medicine can help someone to mimic the opposite sex, but not completely convert them to it. People can elect to have surgical procedures; however, they are merely cosmetic surgery procedures. Biological sex is important in medicine, otherwise how do we effectively and efficiently treat people. In medicine it matters if someone is male or female. It matters in relation to drug dosage, accurate and timely diagnoses and preventive care. The Singapore-based Clinical Advisory Network states —

It is important for healthcare practitioners to note that while a biological sex change is impossible, legal sex can be changed. Government and healthcare service policies do allow people to change their 'sex marker' or 'gender marker' on official documentation —

Point of Order

Hon Dr SALLY TALBOT: President, I would ask you to consider once again how it could possibly be construed that what Hon Ben Dawkins is trying to talk about does not have a direct reference to something that is happening in the other place. It is so obvious. The entire content of what he is talking about is about what is happening in the other place.

The PRESIDENT: Honourable member, the point of order that you might have been referring to was about allusion to debate in the other place. That no longer stands in our standing orders, but, again, I invite the honourable member—as that bill is yet to be debated in this place, although it does not appear on the notice paper, he may wish to keep his comments to a broad nature, rather than the specifics of what likely will be contained in the bill. In addition to that, I will also invite the member to table the document, from which he is quoting, at the conclusion of his speech, as I am hearing that there is a substantial number of quotations. I am assuming what you are currently reading is still a quote. At the end of your contribution, I invite you to table the document from which you are quoting.

Back to Hon Dr Sally Talbot, there is no point of order, though I have invited the member to keep his contributions broad.

Statement Resumed

Hon BEN DAWKINS: Thank you, President. I know that honourable members to my left like to talk about sport and the Matildas and things so we are getting onto something a bit lighter in my speech. That might satisfy a few people. Biological sex is important in women's sport in terms of safety and fairness in competition. Here are some examples. Some would argue that Serena Williams is the greatest tennis player of all time. When Andy Murray challenged her to a match, she declined, saying —

Because for me, tennis and men's tennis and women's tennis are completely almost two separate sports, so I'm like, if I were to play Andy Murray I would lose 6-0 6-0 in 5 to 6 minutes, maybe ten minutes. It's true; it's a completely different sport. The men are a lot faster, they serve harder, they hit hard. It's just a different game. And I love to play women's tennis, and I only want to play girls because I don't want to be embarrassed. So Andy no, I am not going to let you kill me.

The US national women's soccer team was beaten by an under-15 boys' team, 5–2, in an exhibition match. In the UFC, a transgender fighter called Fallon Fox cracked the skull of a biological female in the first 10 seconds of their fight. Biological sex is important in society, providing safe spaces for women, as well as privacy and dignity.

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Ancient cultures also recognise that biological sex is a critical fact, as evidenced by secret men's and secret women's business in many Indigenous cultures. People can dress and act however they wish and should be able to live freely without fear. In some instances, biological sex and the way it helps our society operate is much more important than how an individual feels. Some people suffer from gender dysphoria; they should be treated with empathy and cared for. But there is also an element of social contagion happening here. Impressionable children throughout time have often sought out ways to rebel and seek attention, but the best way to deal with any difficult situation is to be honest and truthful. We need to be clear that one can identify in whatever way one wants, but one cannot change biological facts. Here we are. I am wondering why, when my motion on this same point came before the house, it was so controversial. Some of the more fragile members even were —

Point of Order

Hon PIERRE YANG: I refer to standing order 41, "Reflections on Vote of Council". The honourable member is clearly referring to the motion previously before the house, I think during the last sitting week, and the member is now making reflections on the vote of the Council.

Hon Ben Dawkins: I didn't.

Hon PIERRE YANG: You did.

Hon Ben Dawkins: I said it became controversial.

Several members interjected.

The PRESIDENT: Order! A point of order is not debatable, and we do not need cross-chamber intervention. I am going to seek some advice on this. Just one moment.

When you are ready, honourable member. In the contribution the honourable member made, I did not hear him reflect on the actual vote.

Hon Ben Dawkins: Yes.

The PRESIDENT: Order! Points of order are not debatable; nor is the President's ruling. What I heard was the word "controversial". The allusion may be controversial in relation to in or out of the chamber. There is no point of order.

Statement Resumed

Hon BEN DAWKINS: Thank you, President. Yes, it was controversial. Some of the more fragile members of the chamber actually seemed to think that —

Withdrawal of Remark

Hon MATTHEW SWINBOURN: I think that this point of order should stand. It is about reflections on other members. Name calling, in which the member has just engaged, is unnecessary and unparliamentary. I ask that he withdraw his remark, and if he refuses to withdraw, President, I ask that you rule on that.

The PRESIDENT: The honourable member is referring to standing orders 43 and 44, under which the member is required to refer to other members by their title, and/or that some members may consider the words used offensive. In this case it is clear that some members have considered the words used offensive, and I invite the member to withdraw those words.

Hon BEN DAWKINS: I will withdraw the word "fragile", President. Is that okay—withdrawn?

The PRESIDENT: You used a number of other words. I invite you to withdraw all those words.

Hon BEN DAWKINS: I withdraw the offensive words.

The PRESIDENT: Thank you.

Statement Resumed

Hon BEN DAWKINS: It was controversial, and in fact some honourable members said they were disgusted by what was simply a statement of fact. There is a bit here that I will remove because it effectively may have been alluding to something that I am not allowed to allude to. Thank you.

Hon Dan Caddy: You don't need to tell us what you're leaving out.

Hon BEN DAWKINS: Hon Dan Caddy does not need to tell us any of the things he talks about in this chamber, but he does. Perhaps, instead of whining, a couple of weeks ago, people could look at the definitions that I am speaking about today, and it may assist in future debates, particularly where it relates to gender and biological sex.

Point of Order

Hon STEPHEN DAWSON: I understand that the honourable member is reading. Standing order 36 relates to the reading of a speech. I would ask that you rule on that and ask the honourable member not to be reading his speech today.

The PRESIDENT: The honourable member has been provided with advice in the past regarding the standing order. I also consider that the honourable member is ad-libbing on occasions, but I have noticed substantial referral to extensive notes. On this occasion, I will ask the member to consider that standing order and continue his contribution in as much as possible.

Statement Resumed

Hon BEN DAWKINS: I am almost finished. I am learning and being enlightened so much today, thank you, President, so we do not need to continue for much longer. Actually, I could just keep talking like Hon Dan Caddy, but maybe I will just cut to the chase. Yes, I have a minute. That is what we seem to do—use up time.

Anyhow, again, because of the misinformation that is perpetrated by an incompetent government, our children are left exposed to propaganda that is sending them down a path that is very harmful to these children, and it is potentially doing damage to these children because —

Several members interjected.

Hon BEN DAWKINS: Damage that is irreparable. An incompetent government is unable to get the terminology right and accept fact.

Several members interjected.

Hon BEN DAWKINS: It is unable to accept fact. Maybe if the government wants to be competent, it could make a distinction between gender, for which people adopt traits, and biological sex, which is immutable.

Several members interjected.

The PRESIDENT: Order! Honourable member, I invite you to table the document as discussed. I invite you to stand and table the document.

Hon BEN DAWKINS: I seek leave to table the document, President.

The PRESIDENT: You do not need to seek leave. That document is tabled.

[See paper 3080.]