

**Submission to the Senate on the Senator Hanson-Young Bill
To the Legislative and General Purpose Standing Committees
House of Parliament**

Marriage Equality Amendment Bill 2010 No. , 2010

(Senator Hanson-Young)

A Bill for an Act to amend the *Marriage Act 1961* to create the opportunity for marriage equality for people regardless of their sex, sexual orientation or gender identity, and for related purposes

Three Objectives

The objectives of this Act are:

- (a) to remove from the *Marriage Act 1961* discrimination against people on the basis of their sex, sexual orientation or gender identity; and
- (b) to recognise that freedom of sexual orientation and gender identity are fundamental human rights; and
- (c) to promote acceptance and the celebration of diversity.

This Bill would replace the current definition of marriage – *the union of a man and a woman to the exclusion of all others, voluntarily entered into for life* – with the following definition:

- *the union of two people, regardless of their sex, sexual orientation or gender identity, to the exclusion of all others, voluntarily entered into for life.*
- It would also replace the terms “man and woman” with “two people” and “husband” and “wife” with “partner”.
- It would require an authorised celebrant, not being a minister of religion of a recognised denomination, to say: “Marriage, according to law in Australia, is the union of two people to the exclusion of all others, voluntarily entered into for life.”
- Additionally, 5 Section 88EA Repeal the section. Non acceptance of two same-sex couples married overseas.

The Committee has called for submissions which are due by 2 April 2012. The Committee is due to report by 6 June 2010.

Introduction

The Parliament of the Commonwealth of Australia has a responsibility to all those men and women of Australia who are married and who represent the majority to preserve the status quo. The legal implications of the Marriage Equality Amendment Bill 2010 No, 2010 (Senator Hanson-Young) are far reaching and are a direct attack on the institution of marriage. The amendments if adopted will destroy the Marriage Act, to focus on a variety of adult relationships to the detriment of children. The majority of the Parliament need to act to protect the majority of Australians, not allow the one percent of the population who are most vocal, most affluent, most determined to manipulate the system to satisfy their own self interests. Their aim is to destroy the true meaning of Marriage, the cornerstone of our society, by applying a construct that makes marriage meaningless.

Historically marriage has been defined as the joining of a man and woman in a legal and binding relationship for life with natural procreation of children through the conjugal act. This definition has been intentionally applied to a relationship that is of unique significance to the continuation of the human race, to promote the welfare and wellbeing of children and achieve social cohesion and stability. It is a celebration of difference with a blending of the masculinity of a male with the femininity of a female.

According to Margaret Sommerville, an Australian Bioethicist “Marriage is the key social institution that both symbolises and protects the inherently reproductive relationship that exists between a

man and a woman, thereby establishing children's human rights regarding their biological origins and the family structure in which they are reared." ¹

Homosexual Union is entirely different, the nature of their sexual expression precludes procreation. It is a celebration of sameness not difference. To identify this reality is not discriminatory. To recognise that one percent of the Australian population have a preference for people of the same sex is not prejudicial. It is a reality that requires acceptance and tolerance.

As someone skilled in infectious disease epidemiology, I can clearly see that to include homosexual practices in the Marriage Act would totally destroy a woman's ability to procreate. It would introduce bacteria such as enterococci, E coli, pseudomonas aruginosa and multiple other bacteria that live in the bowel to the vagina, cervix and fallopian tubes leading to repetitive salpingitis, ectopic pregnancies and loss of fertility. Wouldn't the Fertility Clinics love this?

The financial and social costs to the Australian Government and Australian Society as a whole would be an ongoing spiral.

Australian Laws that Maintain the Integrity of Marriage and Protect Our Country's Future, Our Children

The *Australian Marriage Act of 1961*, confirms a tradition that dates back to prehistoric times. It describes marriage as "the union of a man and a woman to the exclusion of all others for life".²

The Marriage Amendment Act 2004 Defines **marriage** to mean the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.³

Section 88EA Certain unions are **not** marriages

A union solemnised in a foreign country between:

(a) a man and another man; or

(b) a woman and another woman;

must not be recognised as a marriage in Australia.³

International Laws Developed to Maintain the Integrity of Marriage to Promote the Welfare and Wellbeing of Children

The International Covenant on Civil and Political Rights (ICCPR) – the foundation of all UN recognised human rights – affirms that heterosexual marriage is a Human Rights Issue. In article 23 it expresses the right of "men and women" to marry. It is article 23 alone that uses the collective term "men and women". The remaining 52 articles refer to either "all people" or "human beings"^{4,5}.

- *International case law has affirmed that the right to marry exists only between a man and a woman.*⁴
- In 1948, the *UN Declaration of Human Rights* was adopted by 193 nations to counter the gross violation of the rights of families and Children under totalitarian regimes. It said:
- "Men and women ... have the right to marry and to found a family", which is "the natural and fundamental group unit of society and is entitled to protection by society and the State" (Article.16).^{4,5}

1. Donnelly, Greg, Legislative Council NSW, When Marriage hangs in the balance. *The Record* P17 28/03 2012.
2. Commonwealth Consolidated Act 1961 Section 5.
3. *Minister's second reading speech made in—[House of Representatives on 24 June 2004, Senate on 13 August 2004]*
4. "Human rights", Wikipedia: http://en.wikipedia.org/wiki/Human_rights
5. Perron, David National President Australian Family Association *There is No Mandate To Change The Marriage Act* February 5, 2012.

The inalienable, biological rights of children were confirmed in the UN Convention on the Rights of the Child (12 December 1989):

- “The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.” (Article 7).^{4,5}

In June 2006, the European Court ruled that the region's human rights convention "did **not** oblige a State to grant a same-sex couple access to marriage" as marriage has "deep-rooted social and cultural connotations."^{4,5}

The Australian Marriage Acts 1961, 2004 needs State Protection

Marriage provides the foundation of the family unit with norms of exclusivity and permanence with a love that is total, faithful, fruitful and free. It is linked to procreation of children, for the sake of children, protecting their identity and nurture by a biological mother and father living in a stable, loving and harmonious relationship.^{5,6} It acknowledges the complimentary role of a male and a female to form biological compatibility and connectivity, to unite through the conjugal act and procreate. Conception, gestation, birth and nurturing are part of a continuum of this relationship with all facets interacting to produce a lifelong biological and legal child-parent bond.^{5,6,7.}

What are these Biological Bonding Mechanisms attained through Heterosexual Conception and Pregnancy?

Biochemical

- Significant bonding events occur during the process of conception, throughout pregnancy when parents make love. The neuro-hormones Oxytocin, Vasopressin and Endorphins produce a sense of well-being with feelings that are soothing, peaceful and secure. These hormones can pass through the placenta and therefore have a direct impact on the neural tube of the developing embryo. As the baby develops, identification of his/her mother tongue occurs at five months gestation, further bonding occurs during labour, while passing through the birth canal, throughout breast feeding and through physical contact with both parents following birth.^{6,7,8,9} Additionally, the infant's underdeveloped immune system is given a significant boost through breast feeding of six to twelve months with protection from a number of chronic diseases.^{6, 7, 9.}

Genetic

- Genes carry not only physical and mental characteristics but personality traits. These attributes are passed through parents, from many generations of forebears providing a connectivity that enables a child to find her/his true identity.⁴ Children have the inalienable right to know and be raised by their biological mother and father, to know their grandparents, brothers, sisters, cousins and the history of their ancestors.^{4-7,9-11} Between the age of 13-14 years is a child's key identity phase when this cultural connectivity, sense of “personal identity” is so vital for developing “self worth” and sense of well being^{5,9-11}

6. Tieu Matthew Oh *Baby Baby: The Problem of Surrogacy* Bioethics Research Notes 19(1); March 2007.

7. 2005 - 2011 *Bioethical Issues and Surrogacy*, Nathaniel Centre, the New Zealand Catholic Bioethics Centre

8. Lee Ann Obinger, *The Chemistry of Love*, *People* 12th Feb 2005. People- Culture, Tradition and Relationships howstuffworksw.com

9. Broadribb, V. R.N., M.S., Corliss, C., R.N., M Ed., 1973 *Maternal to Child Nursing* J.B. Lippincott Company Philadelphia, Toronto.

10. Pope John Paul II *Donum Vitae* 2,3,4,5. 1987. *Donum vitae (Respect for Human Life)*, Instruction on respect for human life in its origin, Congregation for the Doctrine of the Faith, 1987.

11. Bishop Holohon, Bishop Diocese of Bunbury WA 2012 *Statement on Same-Sex Marriage*.

12. Collins J, *Studies of the Australian Adolescent*. National Library of Australia Macquarie University, Cassell Australia Limited 1975.

- These mechanisms produce a biological intergenerational connectivity through an ancient tradition adopted to form the basis of a stable, well ordered and cohesive society. It has stood the test of time across all known cultures since before recorded history. Marriage has been recognised as a special relationship between man and woman that is open to children, is a relationship stemming from human nature itself, its origins are not religious.^{1,12-16}
- Children have the right to a biological mother and a father where natural fertilisation ensures the infant is born in a family where both parents have the strength and vigour, health and flexibility to provide their children with maximum developmental opportunities.^{10,12-16}
- Thousands of studies in a number of disciplines over many years have proved that the maximum benefits to a developing child's physical, mental, emotional, social and spiritual growth is attained through living with their biological parents who have a stable loving relationship¹⁶
- According to the best available sociological research, allowing for other relevant factors such as poverty and genetics, children reared by their wedded biological parents fare best on every indicator of wellbeing This includes:
 - a) *Educational achievement*: with higher literacy and graduation rates;
 - b) *Emotional health*: lower rates of anxiety, depression, substance abuse, and suicide;
 - c) *Familial and sexual development*: strong sense of identity, timing of onset of puberty, lower rates of teen and out-of-wedlock pregnancy, and lower rates of sexual abuse;
 - d) *Child and adult behaviour*: experience lower rates of aggression, attention deficit disorder, delinquency and incarceration.^{16,17}

The family structure headed by two biological parents, a mother and a father who have together made a mutual lifelong commitment helps to create the maximum stable and harmonious conditions for child rearing. This is backed by conclusions of the reputable progressive research institution Child Trends p.1:¹⁸

- "Research clearly demonstrates that family structure matters for children, and the family structure that helps children the most is a family headed by two biological parents in a low-conflict marriage. Children in single-parent families, children born to unmarried mothers, and children in stepfamilies or cohabiting relationships face higher risks of poor outcomes ... There is thus value for children in promoting strong, stable marriages between biological parents ... It is not simply the presence of two parents ... but the presence of two biological parents that seems to support children's development."

With the definition of traditional marriage, biochemical and genetic connectivity that evolves from children belonging to a family structure that includes both biological parents as a mother and a father, who have made a mutual life-long commitment and these declarations about the right to marry and the rights of children are underpinned by the strength of family life in Australia.

According to the Institute of Family Studies (2004,2010) ⁵:

- □□72% of Australian families with children under 18-years are intact, biological families, that about 2.1 million families.¹
- □□73.6% of children under 18 are being raised by their biological parents.⁵
- 13. Rod Benson et al. *ABC Religion and Ethics Updated 4 Aug 2011 (First posted 20 May 2011) Ethical arguments against same-sex marriage laws*
- 14. The Hon John Murphy MP Member for Reid NSW on Second Reading of the Stephen Jones Bill, House of Representatives, March 2012.
- 15. The Hon Kevin Andrews MP Shadow Minister for Families, Housing and Human Services Member for Menzies National Marriage Day Rally 2011
- 16. *Marriage and Same-Sex Unions Are they the Same?* Life, Marriage and Family Office Catholic Archdiocese of Melbourne, Cardinal Knox Centre, PO Box 146, East Melbourne, VIC 8002 e: lmf@cam.org.au; www.cam.org.au/lifemarriage
- 17. *FamilyVoice Australia Submission on the Marriage Equality Bill 2010 27th March 2012.*
- 18. Barbara Schneider, Allison Atteberry and Ann Owens, *Family Matters: Family Structure and Child Outcomes* (Birmingham: Alabama Policy Institute) June 2005.

Governments must have a strong interest in marriage between one man and one woman, as it is the cheapest and most efficient method of procreation of children. These are the workers, taxpayers and families that form the community and society for of the future.⁵

Discrimination on the basis of sex, sexual orientation or gender identity

Heterosexual marriage between one man and one woman is not “discrimination”, it is the only institution by which children are produced naturally and is protective of children’s rights, other relationships cannot achieve this goal. To identify this difference is not discrimination, nor does it undermine the dignity of same-sex relationships.⁵

The claim that “freedom of sexual orientation and gender identity are fundamental human rights” is not recognised in any declaration or convention adopted by the United Nations, so it is fundamentally flawed. In the past, a UN declaration on sexual orientation and gender identity has been proposed but rejected.^{4,17}

Biologically, sexual difference is determined by chromosome distribution at conception. XX produces a female, XY a male. Both physical and behavioural characteristics are determined by hormones produced by the pituitary and adrenal glands and people develop a gender identity consistent with their sex. However there is a small proportion of the population, who don’t.¹⁸

According the American Psychological Association some people experience gender non congruence (Transgender) which many experts believe may be due to biological factors such as genetic influences and prenatal hormone levels, early experiences, and experiences later in adolescence or adulthood which may all contribute to the development of transgender identities.²⁰ Compassionate counselling involving good listening skills will ultimately assist people experiencing this phenomena, to find the gender identity they find most fulfilling.²⁰ This need is already acknowledged by state laws.

A small proportion of people are born with disorders of sex development (DSD). 50% are identified at birth as the baby will be born with sexual genitalia that cannot be classified as male or female. The underlying source of this medical condition is identified before sex assignment takes place. 50% of DSD are not recognised until puberty and as it is treated as a medical condition, the government allows for sexual reassignment.²⁰ There is no discrimination or prejudice; this is addressing the issues and applying appropriate treatment. Many personal testimonials that have been published in papers fairly recently verify that once these major issues have been addressed, heterosexual marriage is not an issue.

To recognise that for the majority of the population there is a strong association between sex and gender orientation is not discriminatory or prejudicial it is a reality based on biological facts. Sexual hormones do have an impact on brain development.¹⁹

Homosexual lifestyle is different, only 10 of 190 countries in the UN have changed the definition of marriage through government intervention’ and only six of the States in the USA. Experience has demonstrated that where Government intervention has occurred to focus on adult relationships instead of addressing the real needs of children, attitudes to Human Sexuality and children change linked to a huge rise in the demand for fertility clinics and related costs running into \$100,000:00-\$300,000:00, expectations are raised in respect to polygamy, polyandry and incestuous relationships.^{6,12,13,14,16,17,21}

19. Guyton and Hall *Textbook of Medical Physiology*, 12th Edition By John E. Hall, PhD, Guyton Professor and Chair, Department of Physiology & Biophysics, University of Mississippi Medical Center, Jackson, MS 2011

20. American Psychological Association. (2008). *Answers to questions: For a better understanding of sexual orientation and homosexuality* (PDF, 1MB). Washington, DC: Author.

21. Meuhlenberg, Bill, *Strained Relationships The Challenge of Homosexuality*, Freedom Publishing Company Pty Ltd, Melbourne 2011.

Definitions do matter. As parents of six children the traditional meaning of mother and father, husband and wife has a very deep significance to us and our married friends. Not one of the parliamentarians who are proposing these bills to drastically alter the true meaning of marriage have had an equivalent experience and/or education in respect to developmental psychology, human biology, human sexuality and behavioural science. To us these politicians lack the discernment, wisdom and understanding to appreciate what significant effects these changes will make on our Australian society. Overseas experience has demonstrated how negative this impact can be. ^{5, 16, 21,22}

To promote acceptance and the celebration of diversity.

This statement reflects the real agenda of the homosexual lobby, which is to promote a homosexual lifestyle, and to destroy the intrinsic value of marriage through social engineering. Marriage is considered as a mere tool for manipulation, no consideration is given to the societal harm it will do which has been exemplified in overseas countries where the marriage act has been changed. ^{6,12,13,14,17,21}

5 Section 88EA.

This section should **definitely be retained**. Contrary to what is recommended by the Bill. Same-sex couples deliberately choose to go overseas to countries where the Marriage Act has been modified to allow for same-sex couples to marry. These countries have laws that lack the discernment, wisdom and understanding required to differentiate between marriage and same-sex unions. Studies produced in these countries have proven that changing the marriage act to allow for same-sex marriage has resulted in a huge negative impact on society. ^{1,11,5,13-18, 17, 21,22.}

To accept these marriages currently considered to be unlawful in Australia forms the beginning of a slippery slope. This is identical to a well known Arabian Myth:

"A family group have been travelling through the desert. Towards evening they come upon a water hole and decide to set up camp for the night. The tent is erected, then a rodent camel happens on the same water hole. He puts the tip of his nose through a small opening in the closed flap, then as the opening gets wider, slowly but surely commences to put his face through, gently pushing forward until the front of his body and then his whole body is in immersed in the tent. He commences to turn and makes it very plain that there is now no room for anyone but him in that tent."

The nose of the camel is well and truly in our Nation's Tent. Intervention by the State in Australia has led to weakening of marriage vows through "no fault divorce", failing to protect the unborn child through abortion up to 26 months, now with a proposal of infanticide and euthanasia. ^{5,13-18,} Do we continue to lower our Societies Moral Values for those who fail to accept responsibility for their actions?

Homosexuality

Most people who have chosen a homosexual orientation are highly creative, have multiple talents and currently hold key positions in government and among the judiciary. People with this orientation should continue to be given every encouragement to contribute to mainstream goals. However, it is biologically impossible for same sex couples to produce children unless a third or fourth person or more is involved. This creates infidelity through use of donor eggs or sperm. As the purpose of marriage as a legal institution relates specifically to the distinctive biological possibilities that only a heterosexual union can give, marriage is not the goal that a homosexual union should be trying to achieve. ^{13, 16, 21}

22. Camenker, Brian, What same-sex "marriage" has done to Massachusetts It's far worse than most people realize October 20th 2008 www.MassResistance.org

The current Australian Government acknowledges the need for supporting same-sex couples, in 2009 over 85 amendments to Federal Laws were passed to eliminate discrimination which included areas such as social security, taxation, health, aged care, superannuation, immigration and family law. Laws that have been passed include recognition of De-facto Relationships and Civil Unions within a number of states.¹²⁻¹⁵

HUMAN COSTS OF REPRODUCTION VIA SAME SEX UNION:

Due to the nature of the sexual orientation they have chosen, same sex couples cannot reproduce without involving two or more other people either as donors. or as service providers.^{9,16,21,22}

- This approach breaks the code of “exclusion of all others” and with the use of Assisted Reproductive Technology (ART), serves to create a separation between genetic motherhood and gestational motherhood, biological fatherhood and social fatherhood.^{9,12-15} Separation of the corporeal and spiritual aspects of human love violates the child’s right to be conceived as the fruit of an act that represents at the same time both a spiritual and bodily union.¹⁰
- Two homosexual men can be fathers, but they do not have suitable physical, mental and emotional characteristics to be a mother and a father. Two lesbian women can be mothers, but they do not have suitable physical, mental and emotional characteristics to be a father and a mother.
- Well designed longitudinal studies have demonstrated that the children of same-sex marriages often suffer from gender identity discordance, have a 14% greater chance of choosing a homosexual lifestyle as opposed to 1%-2% of children from heterosexual families. Are more likely to be precocious, promiscuous, are more likely to suffer from depression, suicidal thoughts,^{5,7,13-18, 20-21}
- Children of same-sex marriage, are twice as likely to be living in families with a high level of male to male domestic violence, access to illicit drugs, alcohol and tobacco use. and a lack of family stability because of infidelity. Boys are more likely to have a higher level of incarceration due to lack of a role-model during adolescence.^{5,7,13-18, 21-22}

Parenthood with Two Females

Societal Costs:

- Through ART the genetic connection between parents and their child is totally or partially broken. It is regarded as a deprivation of the rights of the child not to be connected to his/her filial parental origins.¹⁰⁻¹⁶ One partner will have a genetic connection, the other will become a step parent of another gender from the biological donor. How often has step parenting created a problem in a heterosexual union?
- Bypassing one of the partners by the use of a donor sperm or egg, is a form of infidelity, it poses a threat to the unity and stability of the family, will be a potential source of damage to personal relationships within the family and may have social repercussions “leading to dissension, disorder and injustice in the whole of social life” John Paul 11 1987.¹⁰
- Through State Intervention, confidentiality of the donor’s details ensures that the developing child will not have knowledge of one or both of their biological parents until she or he reaches the age of eighteen years. The key identity phase in a child’s life is 13-14 years.^{10, 12} This subversive device equates to **identity theft**. Moreover, there will be one or two sets of grandparents and extended family members left totally unaware of the child’s existence.
- This hiatus eliminates a vital interaction which is crucial for the child and particularly a teenager at the age of 14 years, cultural connectivity, sense of “personal identity” is so vital for developing “self worth” and sense of well being.^{10,12} This policy is producing a new wave of stolen generations. Haven’t we learned from our past mistakes?

- To infer that a child does not need the love and guidance of a father throughout his/her life and as a person is dispensable is ignoring the very special relationship that a biological father has with his/her children. Without a father to interact with, the child's personality, mental and emotional and social development will be restricted. His role is vital.^{10,12-18}
- Once her peak fertility cycle time is assured one female partner will be artificially inseminated with sperm directly into her fallopian tubes from a male donor, or will require an IVF which involves artificial preparation of her womb with fertility drugs given over a three months period beforehand, to enable implantation and successful pregnancy until full term.^{23,24,27}
- Surrogate Motherhood (Details see below) whereby one partner undergoes fertility treatment to bring multiple eggs to maturity, which are then fertilised in a petri dish, given over 400 tests for chromosomal abnormalities and 100% choice of sex is provided. The unwanted embryos are either sluiced down the drain, a small number saved for another pregnancy or kept for research purposes.^{23,24,27}
- With conception by this means the baby will be deprived of significant bonding opportunities at conception, throughout pregnancy, or at birth particularly if a caesarean section is done.^{6,8,23,26}

Parenthood for Two Males through Surrogacy

Societal Costs:

- Overseas' experience has demonstrated that gross commercialisation of child conception leads to development of multiple, lucrative fertility industries with total exclusion of the rights of women who act as surrogates once their signature is obtained. Their marriage stability is at risk. They lose their privacy. A cocktail of hormones, fertility drugs and steroids is provided. They are subjected to cognitive dissonance to counter bonding, and forced abortion if abnormalities are identified.
- This contributes to loss of fertility, life-threatening physical, emotional and mental illnesses.
- In Australia, Medicare covers the costs for Surrogacy which may involve repetitive costs as several attempts often need to be used to achieve full term pregnancy. In Canada these costs come to \$100,000:00 per attempt. With a health system that is currently fully stretched can the Government afford these costs to produce a child?
- In California and Canada since same sex marriage has been approved, the providers of Assisted Reproductive Technology (ART) have a thriving business. There are egg brokers, egg donor contract attorneys, embryologists, sub-specialist physicians and medical doctors and fertility laboratories involved. According to the Council for Responsible Genetics in the USA, 2011, the number of gestational surrogates **grew by 89% from 2004 to 2008**, which exceeds the growth in the number of IVF babies generally. They have recommended that the rapid expansion of this market requires further study, an overview and regulation.²⁶
- Even though surrogacy has been banned in Canada during the past six years, it is continuing by outsourcing to India and Mexico, Argentina, Spain, Romania and the Czech Republic for invitro fertilization techniques and where surrogacy costs are lower.²⁶

23. HFEA Report 2005. Human Fertilisation and Embryology Authority. United Kingdom

24. *The moral status of in vitro fertilization (IVF) Biology and method* By John B. Shea, MD FRCP

25. The Fertility Institutes, Los Angeles, New York, Mexico. *Gestational Surrogacy program for Gay Males. World's Only Fully Integrated Gay Surrogacy Program.*

26. Margaret Somerville, founding director of Montreal's McGill Centre for Medicine, Ethics and Law in Summer in *Pregnancy: Canadian Couples Outsourcing Surrogate Mothers* 13th Oct 2010 © Copyright [Growing Your Baby](http://growingyourbaby.com) 2011. www.growingyourbaby.com

27. Council for Responsible Genetics 5 Upland Road, Suite 3, Cambridge, MA 02140

- Women in India are not equal, they are held responsible for providing for their husband, their children and their mother-in-law and are pressured into accepting surrogacy as a source of income. Surrogate mothers reside in quarters together apart from their family, learning sewing and cooking classes and providing surrogacy services to people coming from all over the world.²⁶ In the state of Gujarat they are known as “baby farms”.²⁶ Post partum care is not received. This is clear evidence of how the intimate relationship between mother and child has been exploited, in the name of commerce.²⁶ In some states of India surrogate mothers are treated as social outcasts and ostracised by their peers.^{24,26,27}
- If the product of an outsourced surrogate pregnancy, the baby will be deprived access to his/her mother tongue and cultural roots, particularly if the biological and surrogate mother live in a country far removed from his/her same-sex parents eg India and England or Mexico and Canada^{24,26,27}
- To infer that a child does not need the love and guidance of a mother throughout his/her life and as a person is dispensable, is ignoring the very special relationship that a biological mother has through love and nurturing with her children. Without a mother to interact with, the child’s personality, mental and emotional and social development will be restricted. Her role is vital.^{10,12}

Fertility Clinic Requirements for Surrogates

The whole process of IVF and surrogacy is dehumanising, depersonalised and women are treated as commodities particularly when commercial surrogacy is used. Members of the fertility clinic staff are held responsible for screening potential egg and sperm donors and surrogates:

- Married women with children by their husband are preferred as frequently the treatment leads to loss of fertility and could lead to life-threatening illness.^{26,28}
- Surrogacy directly interferes with the woman’s own unique relationship with her husband as she carries the baby’s of other men.
- Post menopausal women are also chosen, requiring higher levels of fertility drugs and therefore prone to more severe side effects.²⁹
- To procreate, same sex males (SSM) need to choose either a Traditional Surrogate Mother (TSM) (donates own egg) or Egg donor and Gestational Surrogate Mother (GSM) with IVF to carry the embryos fertilised in a petri dish from sperm one or both of them have donated. In the USA this is the preferred option as once a legal contract is drawn up, only the SSM can claim parentage.²⁹
- A client (IP) will be asked to masturbate to provide two specimens. The sperm is cleaned of semen, frozen and quarantined for 60 days to verify that HIV and other blood borne diseases are not present. Screening for sexually transmitted diseases (STD’s) which includes testing for HIV (AIDS), Hepatitis B and C, Syphilis, HIV I and II; Chlamydia, Mycoplasma, CMV, and other genetic screening tests depending upon their personal history.²⁸⁻³⁰
- The egg donors, TSM or GSM are screened for past history of physical and mental health issues and are subject to intrusive gynaecological examinations, including the fallopian tubes.^{29,30}
- Their physical characteristics are described, educational achievements noted, religion and interests, current and baby photo kept on a database and advertised as accessible to prospective clients to make a choice.^{29,30}
- Once a choice has been made the egg donor will be asked to wait for the client’s exclusive utilisation when his sperm have been cleared of quarantine.^{29,30}

28. Kurinczuk JJ (2003). "Safety issues in assisted reproduction technology. From theory to reality—just what are the data telling us about ICSI offspring health and future fertility and should we be concerned?". *Human Reproduction* **18** (5): 925–31.

29. Thomas M Pinkerton Esq. Surrogacy and Egg Donation Law in California 2011.

30. Ameill, Lisa in Pregnancy, Surrogacy law: *Who Keeps the Baby When Something Goes Wrong* 10th Oct 2010. www.growingyourbaby.com

- The client provides a limited profile which the volunteer TSM or GSM may see, and one to two matches are made by the clinic or egg broker for a GM. The client will interview these two women separately and make a choice.^{26, 29,30}
- Although an age limit is placed on the donor and recipient of an egg, rules are soon broken when money is freely available eg Elton John at 72 years. He is the right age to be the baby's great grandfather.
- Legal documents are drawn up addressing such issues as the number of embryos to be transferred, multiple birth and choice of obstetrician, and to ensure the SM is covered for health insurance. Details relating to birth certificates are also discussed.^{6,28,30,31} Costs for GSM can be up to \$100,000:00 in California, \$35,000,00 in India. Some states allow a small compensation to be paid to the SM.^{26,29,30}
- Information provided to the surrogate mothers is minimal in respect to the serious risks to their health with the Egg Donation Process, IVF, pregnancy and Birth.²⁸
- Once the contracts are signed the women have no legal standing. In a traditional surrogacy ie when she donates her own egg which is fertilised by a male sperm with a fine needle, should she wish to refuse to take the fertility drug Clomid which is normally given to increase her chances of having twins, she needs to obtain permission from the intended parents. As the pregnancy develops, should a genetic abnormality be identified the intended parents can make the decision to abort the child whether the Surrogate Mother objects for religious reasons or not. The issue of unwanted babies are not always addressed in the contract and the SM can be left holding the baby and all costs.³⁰
- The process of multiple egg donation and preparation of the recipient for IVF is highly complex. Both women are subject to multiple hormonal drugs over an extended period of time (two to four months) to synchronise their cycles in preparation for egg harvesting, fertilisation and implantation. These drugs affect their physical, mental, and emotional health, throughout the pregnancy and with long term moderate to serious ill effects resulting.^{6,24, 30}
- Within the laboratory, all of the eggs retrieved are fertilised by the donor's sperm, 400 tests are done for genetic abnormalities and gender selection, those embryo failing the tests (90%) are sluiced down the drain or kept for research purposes. Healthy embryo are cryo-preserved for future use.
- Two to four of the chosen embryo are implanted in the surrogate mother's uterus, prepared earlier by use of a concoction of drugs that will stop ovulation at the pituitary level, fertility drugs which will prepare her uterus for implantation, steroids to prevent rejection of the embryos and continuation of the fertility drugs for at least 12 weeks after pregnancy is established.^{26,28,30,31}
- Should the surrogate become pregnant with embryos >2, the numbers are culled through abortion. Is this equality?³⁰
- Surrogate mothers are not only expected to produce one child per couple, they are frequently asked to provide a sibling, then go on to service other couples living in various parts of the world.. Two examples of clear exploitation of women include:

(a). one mother of two who offered herself for surrogacy in California 2005, experienced two miscarriages as a GS from a same-sex donor, had another child of her own, March 2008, produced a son for another same-sex donor from Germany April 2009, then twins for the same couple in Dec 2010. This involved experiencing six pregnancies, any number of fertilisation treatments and three children as a surrogate in seven years.³²

31. The American Surrogacy Centre cited in Trimarchi, Maria. "Egg Donation Overview" 07 April 2008. HowStuffWorks.com.<http://health.howstuffworks.com/pregnancy-and-parenting/pregnancy/fertility/egg-donation.htm> 17 October 2011.
32. Surrogacy Dreams Surrogacy Agency - Side Effects/Risks-Who we are www.surrogacydreams.com/db1/index.php?option=com

(b) a mother of two married 20 years, became a TS for a same-sex couple for 12 months, underwent multiple cycles, no results due to sperm issues. Then matched with another SS couple, produced a son after two cycles, then within months tried for a sibling experienced an **ectopic** pregnancy. Then matched as a GS has produced four more children and now prepared to act as a GS again.³²

Identified Side Effects

- The patient is taught to self administer all drugs, distancing any responsibility for side effects from the fertility clinic.^{6,28, 30-35}
- Birth control pills cause bloating, fatigue, dizziness, hot flushes, higher blood pressure, weight gain and extremes of emotional highs and lows. These symptoms apply to all of the following drugs that are prescribed:^{6,33-35}
 - a. Additional symptoms for Lupron (blocks ovulation at the pituitary), includes headache, and upset stomach; Oestrogen (used to thicken the surrogate's uterine lining); more significant emotional highs and lows, sore breast and vaginal discharge; Progesterone given for three months post implantation to help maintain pregnancy produces identical side effects to oestrogen; Provera prescribed on a daily basis for 10-14 days initiates onset of menstruation; Medrol is a steroid that targets the immune system to prevent rejection of the embryo, therefore the patients are more prone to infection and antibiotics and provided on a routine basis can produce lactase intolerance.^{6,30-35}
 - b. There is a higher incidence of multiple births, neonatal deaths, caesarean sections, higher blood pressure levels and pre-eclampsia. And post natal depression. Mild to severe Ovarian hyperstimulation (OHSS) occurs with **33%** cases due to the effects of **.hCG** . In severe cases of OHSS, dangerous clotting and/or permanent infertility will result.^{6,28, 30-35}
 - c. 33% of egg donors experience mild to severe Ovarian hyperstimulation (OHSS) due to the effects of **.hCG**. In severe cases of OHSS, dangerous clotting and/or permanent infertility will result. With egg retrieval by a surgeon, they are also prone to salpingitis, infections and damaged bowel and bladder.^{12,20} Is this a good example of **inequality** when fertile women lose their fertility to satisfy the so called needs of people who are unable to produce children.
 - d. The Cognitive Dissonance technique is applied in counselling to convince women who donate eggs or become a surrogate mother that they are only donating another 'piece of tissue" and that SM must ignore the bonding signals they receive when carrying and delivering the babies as it does not belong to them but the intending parents. Any post-partum grief they inevitably receive is not dealt with. Tieu warns this could ultimately emerge in the form of deeper physical and psychological problems later in life⁶
 - e. A study of IVF babies in Western Australia 2002, that allowed for the effects of mothers age and multiple births found that the incidence of birth defects in babies up to one year of age conceived with IVF were twice as high as normal births. This included heart defects, chromosomal abnormalities such as Down's Syndrome, Spina Bifida, gastro-intestinal abnormalities, musculoskeletal disorders, dislocated hips and club feet. The IVF children also were found to have a higher incidence of lower birth weights, pre-term births, and cerebral palsy³⁶.

33. John Hopkins School of Medicine cited in Trimarchi, Maria. "Egg Donation Overview" 07 April 2008. HowStuffWorks.com.<http://health.howstuffworks.com/pregnancy-and-parenting/pregnancy/fertility/egg-donation.htm> 17 October 2011.

34. *Wikipedia*, the Online Free Encyclopaedia Complications with IVF.

35. Newby, Jonica (2003-07-17) IV Defects *Catalyst*. Australian Broadcasting Corporation. <http://www.abc.net.au/catalyst/stories/s904186.htm>. Retrieved 2010-06-20.

- f. Similarly Data analysis of the National Birth Defects Study in the USA (2008) found birth defects that were significantly more common in infants conceived through IVF, included

septal heart defects, cleft lip with or without cleft palate, oesophageal atresia, and anorectal atresia.³⁷⁻⁴⁰

- g. Studies on IVF including a double blind study on 73 infants have demonstrated that the incidence of multiple births (35%), prematurity, low birth weight (54.2% twins and 8.5% singles <2,500gms), cerebral palsy, retinal blastoma (nine times higher) and post-partum intensive care needs in infants subject to IVF is consistently higher than when pregnancy is conceived naturally.^{35,37-40}
- h. Tieu, Bioethics Research Notes, Surrogacy in Canada Online and Council for Responsible Genetics have identified a large number of long term moderate to severe symptoms that can impact on the women's quality of life and have identified the need for further study to fully specify the risks to Gestational Mothers involved including post partum depression, the traumatic effects on older women and a susceptibility to cancer following massive doses of fertility drugs.^{6,28,30}

- 36. Reefhuis J, Honein MA, Schieve LA, Correa A, Hobbs CA, Rasmussen SA (February 2009). "Assisted reproductive technology and major structural birth defects in the United States". *Human. Reproduction*. **24** (2): 360–6. doi:10.1093/humrep/den387. PMID 19010807.
- 37. *Surrogacy in Canada Online Information, Referral and Support* Copyright © 2001-2011 Surrogacy in Canada Online
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- 40. Rizk B. The outcome of assisted reproductive technology. In *A Textbook of In Vitro Fertilization and Assisted Reproduction*, Second edition (ed.) P. R. Brinsden. 1999

To Make Something Lawful Does Not Make it Right (St Thomas More 1534)

Homosexual parentage is only attained through the use of donor sperm, eggs and utilisation of surrogates, which breaks the code of "exclusion of all others", creates a separation between genetic motherhood and gestational motherhood, biological fatherhood and social fatherhood.

Is it right to deny children the right to their true biological identity by creating this separation? A connection that not only includes the biological parent, but half siblings, cousins, grand-parents, extended family including aunties, uncles, great grand parents and the family history?

Is it right to deprive children the knowledge of their true identity due to confidentiality now imposed through State Intervention for any child born of donor sperm or eggs?

Is it right that this strict confidentiality lasts for eighteen years, when a child's key identity phase lies between 13 to 14 years of age? The physical, mental, emotional and social development between a 14 year old and a fifteen year old is huge. How many grandparents will have survived this time?

Without a biological connection to the child do you consider a step-parent will have the depth of feeling, and concerns, protection, resourcefulness as a father or a mother who has this connection?

Is it right through Surrogacy to compromise the physical, mental, social, and emotional health of two women to satisfy the desires of two men whose lifestyle choice is sexual behaviour that precludes procreation?

Is it right to deny the husbands and children of these surrogate mothers to experience a relationship of exclusivity, faithfulness and stability to satisfy total strangers desires?

To ensure the clinic cannot be held liable for potentially dangerous side effects, is it right to prescribe and teach these women to administer a number of drugs to themselves at a level that is potentially dangerous?

Appendix 1 Massachusetts's experience ²²

In 2004 the Marriage Act was changed to allow for same-sex marriages. After four years of state intervention which changed the definition of marriage to include same-sex couples, common law now dictates that societal values are clearly focussed on enforced normalisation of homosexuality and dangerous homosexual practices, with excessive litigation applied with any form of heterosexual opposition. Equal Opportunity Commissioners provide funding to homosexuals to pursue anti-discrimination legal actions. These laws ensure that aided and abetted by the police, the magistrates and courts the core values of this society are threatened.

Children's lives are put at risk with inculcation of dangerous sexual behaviour from pre-school, through primary, lower high school and upper high school resulting in a rapid increase in HIV/AIDS infections. They receive regular visits from homosexual couples, transsexual, cross dressers and transgender Parents who oppose this sexual education are either arrested or face the courts for anti-discrimination behaviour or accused of inappropriate behaviour. As same-sex marriage is considered legal, schools now have a duty to portray same sex behaviour as normal to children despite what parents think or believe.

Sex is considered as a spectator's sport, gay, transgender and transsexual parades are held regularly at school and in the public square. Businesses such as restaurants and bars are regularly tested for tolerance. Gay activists enter the premises and publicly kiss and fondle one another to test the level of 'equality' that exists within that particular establishment.

The *Massachusetts Commission on Gay Lesbian Bisexual and Transgender Youth* is made up of the most radical and militant homosexual groups, who are well funded by the taxpayers to visit public schools and target children. In 2008 they received \$700,000 to perform this exercise.

Lawyers are now tested on their knowledge of same-sex marriage issues and will fail if they refuse to answer questions pertaining to this issue.

Freedom of Religion is lost, as anyone who opposes same-sex relations are arrested or receive repeat litigation. There is a clear message, 'comply or leave the public square.' According to Monsignor Charles Pope, the Catholic Church and its institutions are under constant assault for the values of 'sanctity of life' that they portray. He states: "Everyone has the right of freedom of thought, conscience and religious belief. No one should be subject to co-ercion because of these beliefs". AD2000 p6.

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