

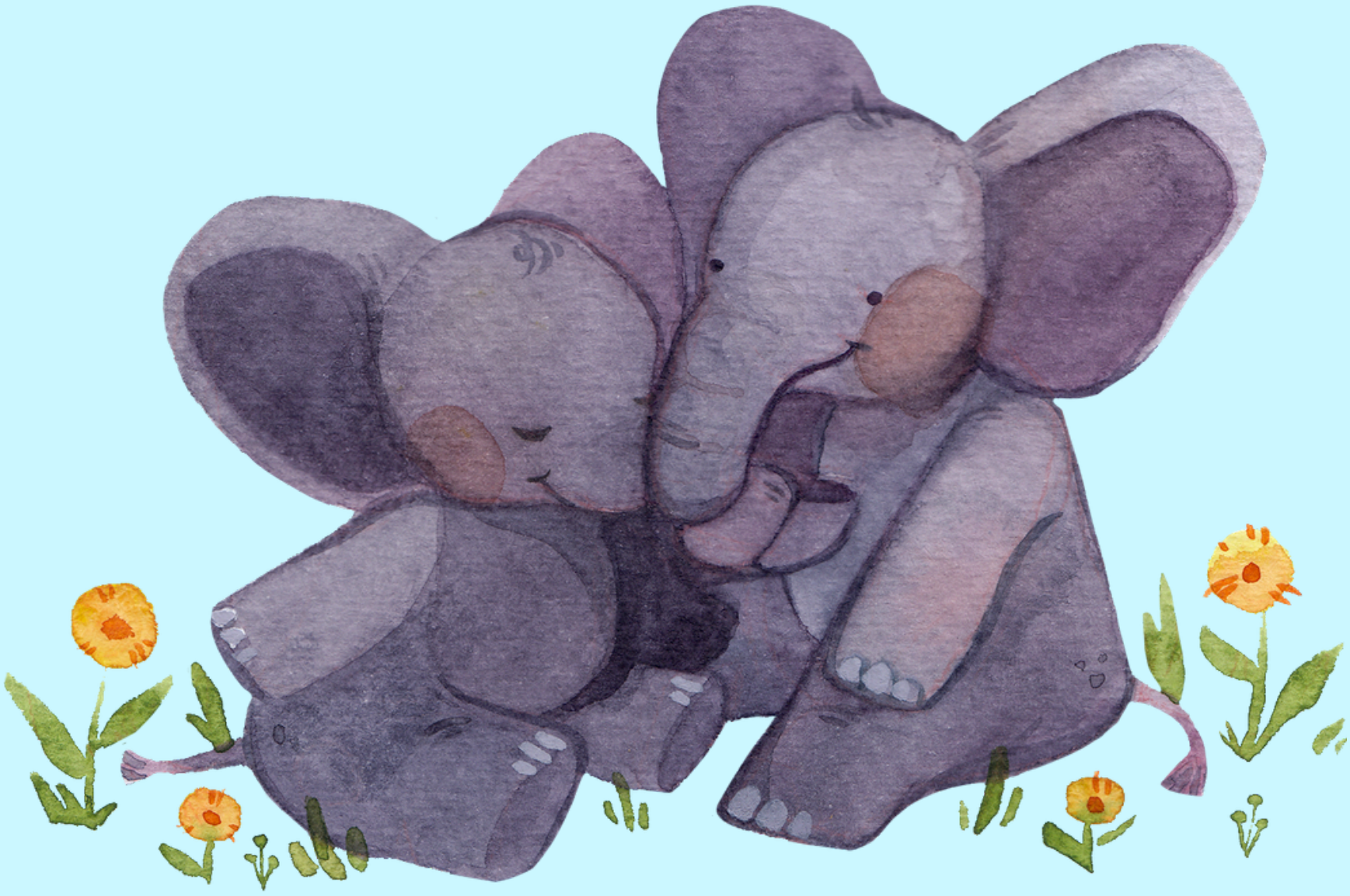
LGBTIQA+ families and assisted reproductive technology



Assisted Reproductive Technology (ART) includes medical treatments and procedures that help people get pregnant. They involve handling sperm, eggs, or embryos outside the body.



Many LGBTIQA+ people create families using third party assisted ART - when a person donates eggs, sperm or embryos to another family, or carries a pregnancy for another family.



The use of ART is regulated by QLD Health. Their role is to make sure that ART providers are operating ethically and safely.

It also aims to protect the rights of donor conceived people, and their parents and donors.



In Australia, it is illegal to sell any body part. This includes sperm and eggs, as well as surrogacy. Sperm and egg donation is altruistic - a person is not allowed to recieve any payment in return.

Other countries have different laws, and some people choose to pay for sperm and/or eggs.



In Australia, it is illegal to pay for surrogacy. You are allowed to pay for the medical expenses related to surrogacy.

Other countries have different laws, and some people choose to pay for surrogacy overseas.



From March 2026 a single donor cannot donate to more than 10 families. The definition of family is inclusive of LGBTIQA+ families, but not all non-traditional family arrangements. Growing your family with new children after a separation is considered a new family.

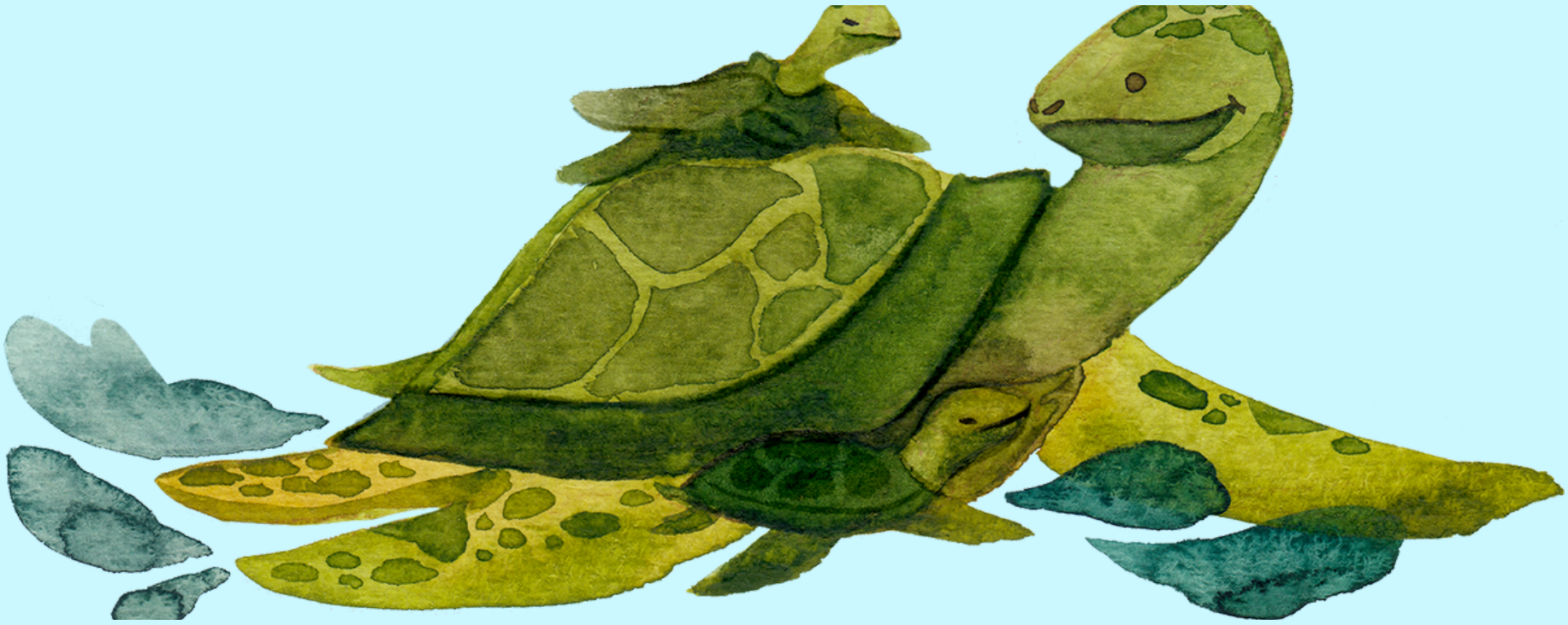


You can apply to exceed the family limit. The purpose of the limit is to protect donor conceived people from unknowingly having an intimate relationship with a close relative. This is not a risk if siblings grow up knowing each other as part of the same family.



If you are making a family with an informal sperm donor, with conception occuring at home rather than through an ART provider, this in not considered ART and is not regulated in the same way.

It is illegal to sell sperm - it must be given with nothing expected in return.



You may want to seek legal advice about creating a sperm donor agreement. It could include things like if the donor will have contact with the child. An agreement can provide clarity and reassurance, but they are not legally binding. A court is allowed to prioritise a child’s best interest above an agreement between adults.



It is illegal for ART providers to discriminate against LGBTIQA+ people who are seeking to start or grow their family.

LGBTIQA+ people can create safe, loving, and caring families.



If you have any questions about ART regulation or growing your family contact the LGBTI Legal Service for free legal advice.