

In Western Australia workers compensation insurance is mandatory for employers who engage ‘workers’ as defined in the *Workers Compensation and Injury Management Act 2023* (the Act).

As a result of regulatory amendments effective from 4pm **30 June 2026**, any person engaged as part of a fishing crew that is defined as a ‘worker’ in the Act will be covered in the WA workers compensation scheme.

Any employer engaging fishing crew workers will therefore be required to insure their workers as part of their workers compensation insurance policy with a licensed insurer, from 4pm **30 June 2026**.

The regulatory amendment will affect fishing crew covered under Share Fishing Agreements or paid by results, such as a percentage of the catch or vessel earnings, as these fishing crew workers will no longer be expressly excluded from coverage in the workers compensation scheme. Whether or not cover is required will depend on whether the person is a ‘worker’ under the Act.

WorkCover WA guides assist workers and employers to determine if people engaged to do work are covered in the WA workers compensation scheme:

- [Who is a worker & employer? – Explanatory Guide](#)
- [Workers compensation insurance for contractors – Explanatory Guide & Assessment Tool](#).

What has changed?

Before 4pm **30 June 2026**, regulation 17 of the *Workers Compensation and Injury Management Regulations 2024* excluded a person from being a ‘worker’ for workers compensation purposes if they were a member of the crew of a fishing vessel and were remunerated wholly or mainly by way of a share in the profits or gross earnings of the working of the vessel. This exclusion was carried over from prior legislation.

Fishing crew are engaged and paid in different ways. Historically some fishing crew worked pursuant to a Share Fishing Agreement and may have been covered by a personal accident insurance policy. Other fishing crew are already covered in the WA workers compensation scheme because they are employees or not remunerated wholly or mainly by way of a share in the profits or gross earnings of the working of the vessel.

However, the fishing crew exclusion in regulation 17 was always unclear and based on outdated assumptions about how fishing crew are engaged. Having regard to contemporary commercial practices and modern industrial law there is no basis to

exclude fishing crew simply because they may be remunerated by reference to the results of working the vessel (e.g. paid a percentage of the catch).

By removing the exclusion in regulation 17 and covering fishing crew by reference to the meaning of 'worker' in the Act, fishing crew will be covered like any other employee or contracted worker paid by results, and fishing vessel owners and operators will have clarity on who to insure for workers compensation.

Implications for fishing crew and vessel owners/ operators

Fishing crew previously excluded from workers compensation coverage will now be covered under the workers compensation scheme from 4pm **30 June 2026** and have access to statutory benefits if they are injured at work.

Generally, this applies to anyone working under a contract of service (e.g. an employee) or a contract for the performance of work if the individual is not carrying out a business in their own name (contractors). See:

- [Who is a worker & employer? – Explanatory Guide](#)
- [Workers compensation insurance for contractors – Explanatory Guide & Assessment Tool.](#)

Fishing businesses will be required to cover any fishing crew who meet the definition of 'worker' in the Act under their workers compensation insurance policy.

Share Fishing Agreements that provide for alternatives to, or purport to exclude, workers compensation arrangements for fishing crew that are defined as workers will be in conflict with the Act.

If coverage under the Act is required it is unlawful to contract out of that liability, for example, by asking a worker to enter into an agreement in order to avoid a workers compensation liability.

Whilst genuine partnerships or joint ventures are generally excluded from workers compensation arrangements, the existence of an agreement does not necessarily mean workers compensation obligations do not exist.

Employers are encouraged to refer to the above guides and discuss coverage with their workers compensation licensed insurer or broker if they are unsure about the workers compensation status of fishing crew they engage.

Why does the change commence from 4 pm 30 June 2026?

The regulatory amendment commences at 4pm on 30 June 2026 to align with workers compensation insurance policy renewals and new policies, minimising disruption for employers, brokers and insurers.

Where can I get a workers compensation policy?

Workers compensation insurance in WA is provided by licensed insurers. A list of insurers licensed to provide workers compensation insurance can be found on the [WorkCover WA website](#).

WorkCover WA encourages fishing vessel owners and operators to contact their insurance broker for assistance with obtaining or renewing a workers compensation insurance policy to ensure fishing crew are declared and covered.

Contact

For further information about workers compensation insurance obligations contact WorkCover WA Advice and Assistance on 1300 794 744 or visit WorkCover WA at www.workcover.wa.gov.au.

Q&A

Question	Answer
My share fishing agreement specifically excludes workers compensation; do I need to get a policy for my fishing crew?	Obligations under workers compensation law cannot be avoided by contract. Where an obligation exists, a workers compensation policy is mandatory. Check to see if your crew meet the definition of 'worker' using WorkCover WA's explanatory guides.
I have entered into a partnership/ joint venture agreement with others to operate my fishing business. Do I need workers compensation insurance?	Genuine partnerships, or joint ventures, do not require a workers compensation policy. However, a business cannot enter into an avoidance arrangement by requiring someone who would otherwise be a worker to set up a company to avoid workers compensation obligations. Obligations under workers compensation law cannot be contracted out.
Is workers compensation insurance already provided for in the package of other insurance products my broker has arranged?	Workers compensation is a stand-alone insurance type and is not included with other insurance products (public liability insurance, etc). Workers compensation insurance can only be obtained from a licensed insurer and fishing vessel owners and operators are encouraged to discuss their insurance obligations with a licensed insurer or broker.
Can an injured worker make a claim when I didn't have a workers compensation policy in place?	Yes. Not having a policy in place will not stop a successful claim. In these circumstances the employer takes on significant obligations and may be required to fund significant compensation costs personally. Penalties also apply for failing to insure.