



Commercial
Passenger Vehicle
Industry
Code of Practice

Part 2: Meeting your safety Duties

*Practical guidance for ensuring safety
in commercial passenger vehicle
services.*



Contents

Background	3
Scope and application.....	3
How to use this code of practice.....	3
1. Introduction	5
1.1 What is the purpose of this code?	5
1.2 Who has safety duties?	5
1.3 What safety duty does each party hold?	6
1.4 What if a person fails to comply with a safety duty?	14
2. Vehicle owners	15
2.1 What do vehicle owners need to do?	15
2.2 Vehicle safety	15
2.3 Passenger safety.....	16
2.4 Driver safety	16
3. Booking service providers	18
3.1 What do booking service providers need to do?	18
3.2 Vehicle safety	18
3.3 Passenger safety.....	19
3.4 Driver safety	20
4. Persons with control over the provision of commercial passenger vehicle services	23
4.1 What do persons with control over the provision of commercial passenger vehicle services drivers need to do?	23
4.2 CPV service safety	23
5. Suppliers of services and equipment	24
5.1 What do suppliers of services and equipment need to do?	24
5.2 CPV service safety	24
6. Drivers	25
6.1 What do drivers need to do?	25
6.2 Vehicle safety	25
6.3 Passenger safety.....	26
6.4 Driver safety	28
7. More information.....	30
Glossary.....	31

This document serves as a redesign solely for the purpose of aligning it to the Safe Transport Victoria brand post the Commercial Passenger Vehicles Victoria and Transport Safety Victoria merge in July 2022. The substantive contents and information contained herein remain entirely unaltered from the 2019 version.

Background

In July 2019, Safe Transport Victoria (ST VIC), the regulator of the commercial passenger vehicle industry, released the *Victorian Commercial Passenger Vehicle Industry Code of Practice, Part 1: Safety Culture and Risk Management* (The Code: Part 1). The Code: Part 1 presents a risk-based approach to managing safety.

It encourages all 'safety duty holders' –those who are responsible for the safety of a commercial passenger vehicle service – to reduce or eliminate risks so far as is reasonably practicable.

The Code: Part 1 provides all parties with an understanding of the risk management process so that they can take steps to control, eliminate or mitigate risks in a manner appropriate to the size and nature of their commercial passenger vehicle, equipment or service business.

The Code: Part 1 took effect, and was published on the ST VIC website, on 29 August 2019.

This code is the *Commercial Passenger Vehicle Industry Code of Practice, Part 2: Meeting your safety duties* (The Code: Part 2). It has been developed as a practical guide for those who have 'safety duties' under Part 2, Division 3 of the *Commercial Passenger Vehicle Industry Act 2017* (CPVI Act).

It provides guidance to help them achieve the standards required for commercial passenger vehicle service safety and comply with the commercial passenger vehicle industry legislative framework.

This code was developed under Section 28 of the CPVI Act. A draft of the code was released for public consultation in August 2019.

Scope and application

The Code: Part 2 is designed to help all safety duty holders provide commercial passenger vehicle services that are safe and comply with the commercial passenger vehicle industry legislative framework. These safety duty holders include:

- owners of motor vehicles used to provide commercial passenger vehicle services
- booking service providers
- people who have control over the provision of commercial passenger vehicle services
- suppliers of services or equipment to the commercial passenger vehicle industry
- drivers providing commercial passenger vehicle services.

Adopting the code is one way for safety duty holders to ensure the safety of commercial passenger vehicle services. While applying the code is not mandatory, a safety duty holder who complies with this code is taken to have complied with their safety duties, as set out at Section 34 of the CPVI Act.

This code includes references to sections of the CPVI Act that set out further legal requirements. These references are not exhaustive.

How to use this code of practice

Refer to the section that sets out your obligations as a safety duty holder. If you are a:

- vehicle owner - refer to Section 2
- booking service provider - refer to Section 3
- person with control over the provision of commercial passenger vehicle services - refer to Section 4

- supplier of services or equipment - refer to Section 5
- commercial passenger vehicle driver - refer to Section 6.

It is possible for someone to fulfil several duties at once. For example, someone can be:

- a vehicle owner, and a booking service provider
- a vehicle owner and a driver
- a driver and a booking service provider, or
- a booking service provider, a vehicle owner and a driver.

In these cases, the person is bound by all the duties that apply to each role and should familiarise themselves with each relevant section.

Booking service providers who allocate bookings to someone who works across multiple platforms are responsible for fulfilling their safety duties for bookings that they allocate.

Note that if you are a booking service provider that is exempt from registering with ST VIC, you must still fulfil the safety duties of a booking service provider.

1. Introduction

1.1 What is the purpose of this code?

The Code: Part 1 provided guidance to safety duty holders about:

- risk management: how to control, eliminate or minimise safety risks they may encounter
- the concept of ensuring safety
- the concept of reducing or eliminating risks 'so far as is reasonably practicable'
- building a safety culture
- developing operational policies, procedures, guidance, education and training.

The purpose of this code is to help commercial passenger vehicle industry safety duty holders deliver safe, accessible, customer-focused and competitive services and to comply with the safety duties set out in the CPVI Act.

Demonstrating compliance with this code will also demonstrate compliance with safety duty obligations under the CPVI Act and the *Commercial Passenger Vehicle Industry Regulations 2018* ('the regulations'). It may be used by a court to determine what is reasonably practicable in the circumstances to which it relates.

The code translates the requirements of the CPVI Act into a practical application for the whole industry and details how to develop a risk management framework. It outlines the safety duties that apply to each duty holder, as well as guidance on how to meet them.

The code describes what can be done, how it may be done and why, but it does not require safety duty compliance to be managed in the way the code describes. Safety duty holders may be able to develop different approaches that are equally effective in managing safety within their businesses.

1.2 Who has safety duties?

Part 2 of the CPVI Act sets out the principles of commercial passenger vehicle safety. They include:

- **Shared responsibility:** safety is a shared responsibility of safety duty holders, ST VIC and members of the public. The level and nature of responsibility depends on the nature of the risk and the degree of influence that person has to control that particular risk.
- **Accountability for managing safety risks:** managing risk related to commercial passenger vehicle services is the responsibility of the person best able to control the risk.
- **Enforcement:** enforcement is undertaken to protect public safety, promote improvement in commercial passenger vehicle safety, remove any incentive for unfair commercial advantage that might be derived from contravening safety requirements and influencing the attitude and behaviour of persons whose actions may have adverse impacts on commercial passenger vehicle safety.
- **Timeliness and transparency:** regulatory decision-making process for the commercial passenger vehicle industry should be timely and transparent.
- **Participation, consultation and involvement of all affected persons:** those with a shared responsibility for safety should be able to participate in, be consulted on and be involved in the formulation and implementation of measures to manage risks to commercial passenger vehicle safety.

Although safety is a shared responsibility, with everyone from passengers to regulatory bodies and others potentially having a role, this Code of Practice will focus specifically on those duty holders *that* can influence and control the commercial passenger vehicle service or equipment being used to provide a commercial passenger vehicle service and are responsible for the safety of that service (Division 3 of the CPVI Act). Accordingly, this section will be drawn from Part 2, Division 3 of the CPVI Act.

CPVI Act Part 2, Division 3 sets out the safety duties of:

- owners of motor vehicles used to provide commercial passenger vehicle services at Section 23
- booking service providers at Section 24
- persons with control over the provision of commercial passenger vehicle services at Section 25
- suppliers of services or equipment at Section 26
- drivers of commercial passenger vehicle services at Section 27.

These sections are included in full within the relevant section of this code.

1.3 What safety duty does each party hold?

All safety duty holders

All safety duty holders must notify the regulator within 10 business days of:

- an incident resulting in the death of or serious injury to any person
- an incident resulting in attendance by a police officer or health professional.

CPVI Act Section 272 Notification of incidents

- A person on whom a safety duty is imposed under Division 3 of Part 2 must notify the regulator of a prescribed incident in accordance with the regulations.

Penalty: 50 penalty units.

Regulation 7 Notifiable incidents to be reported to the regulator

The following incidents, if they occur in relation to the use of a commercial passenger vehicle to provide a commercial passenger vehicle service, are prescribed for the purposes of Section 272 of the CPVI Act—

- an incident resulting in the death of or serious injury to any person
- an incident resulting in attendance by a police officer or health professional

The regulator must be notified, in writing, of a prescribed incident—

- in a form approved by the regulator and
- within 10 business days after a person to whom Section 272 of the CPVI Act applies becomes aware of the prescribed incident.

Owners of motor vehicles used to provide commercial passenger vehicle services

Vehicle owners must ensure commercial passenger vehicle services are provided safely, including:

- maintaining the vehicle in a fit, serviceable and safe condition
- providing or maintaining any equipment or systems used in the vehicle in accordance with the regulations
- providing sufficient information or instruction to the driver of the vehicle who is using it to provide commercial passenger vehicle services to enable that driver to provide those services safely.

Guidance for meeting these safety duties is included at Section 2 of this Code. The relevant sections of the CPVI Act and CPVI Regulations are below.

CPVI Act Section 23 Duties of owners of motor vehicles used to provide commercial passenger vehicle services

- 1) An owner of a motor vehicle who knows, or ought reasonably to know, that the vehicle is being used, or is to be used, to provide commercial passenger vehicle services must, so far as is reasonably practicable, ensure those services are provided safely.

Penalty: In the case of an individual, 1800 penalty units;

In the case of a body corporate, 9000 penalty units.

Note

Section 284 (criminal liability of officers of bodies corporate—failure to exercise due diligence) applies to an offence against this subsection.

- 2) Without limiting subsection (1), an owner contravenes that subsection if the owner fails to do any of the following—
 - a) maintain the vehicle in a fit, serviceable and safe condition;
 - b) provide or maintain any equipment or systems used in the vehicle in accordance with the regulations;
 - c) provide sufficient information or instruction to the driver of the vehicle who is using it to provide commercial passenger vehicle services to enable that driver to provide those services safely.
- 3) An offence against subsection (1) is an indictable offence.

Booking service providers

All booking service providers, regardless of whether they are registered with ST VIC must:

- ensure commercial passenger vehicle services provided by an associated driver are provided safely, by
 - identifying and managing risks to safety
 - acquiring and maintaining a database of the hazards or risks and the measures taken to eliminate or reduce the hazards or risks
 - providing information, instruction, training or supervision to associated drivers to enable those drivers to provide commercial passenger vehicle services safely, including implementing systems or processes for:
 - i. the management of driver fatigue

- ii. drug and alcohol testing of drivers
 - iii. the maintenance of commercial passenger vehicles
 - iv. emergency management
 - v. driver behaviour, competency and medical fitness.
- notify the regulator within 10 business days of:
 - o an incident resulting in the death of or serious injury to any person
 - o an incident resulting in attendance by a police officer or health professional.

Registered booking service providers have additional responsibilities, including:

- establishing and maintaining a register of safety risks which includes
 - o the identification and description of the risk
 - o an outline of the action to be taken to mitigate or eliminate the identified risk
 - o the person, or class of person, responsible for taking the action.
- reviewing and revising the register of safety risks annually.

Guidance for meeting these safety duties is included at Section 3 of this Code. The relevant sections of the CPVI Act and CPVI Regulations are below.

CPVI Act Section 24 Duties of booking service providers

- 1) A booking service provider must, so far as is reasonably practicable, ensure commercial passenger vehicle services provided by an associated driver are provided safely.

Penalty: In the case of an individual, 1800 penalty units;

In the case of a body corporate, 9000 penalty units.

Note

Section 284 (criminal liability of officers of bodies corporate—failure to exercise due diligence) applies to an offence against this subsection.

- 2) Without limiting subsection (1), a booking service provider contravenes that subsection if the booking service provider fails to do any of the following—
 - a) identify and manage risks to safety associated with commercial passenger vehicle services provided by an associated driver;
 - b) acquire and maintain a database of the hazards or risks relating to the provision of commercial passenger vehicle services by associated drivers and the measures taken to eliminate or reduce the hazards or risks;
 - c) provide information, instruction, training or supervision to associated drivers to enable those drivers to provide commercial passenger vehicle services safely, including implementing systems or processes for—
 - i. the management of driver fatigue; and
 - ii. drug and alcohol testing of drivers; and
 - iii. the maintenance of commercial passenger vehicles; and
 - iv. emergency management; and
 - v. driver behaviour, competency and medical fitness.
- (3) An offence against subsection (1) is an indictable offence.
- (4) In this section—

"associated driver", in relation to a booking service provider, means a driver of a motor vehicle who provides commercial passenger vehicle services through booking services provided by the provider.

Regulation 5 Requirement for registered booking service provider to establish and maintain a register of safety risks

- (1) A registered booking service provider must establish and maintain a register of safety risks associated with the provision of commercial passenger vehicle services by an associated driver that contains the

matters specified under subregulation (2) in relation to each of those safety risks.

Penalty: 20 penalty units.

(2) For the purposes of subregulation (1), the specified matters in relation to each safety risk are:

- a) the identification and description of the risk; and
- b) an outline of the action to be taken to mitigate or eliminate the identified risk; and
- c) the person, or class of person, responsible for taking the action referred to in paragraph (b).

Regulation 6 Review and revision of register of safety risks

A person to whom regulation 5 applies must review, and if necessary revise, a register maintained under regulation 5 annually.

Persons who have control over the provision of commercial passenger vehicle services

A person who has control over the provision of commercial passenger vehicle services must:

- ensure those services are provided safely.
- notify the regulator within 10 business days of:
 - o an incident resulting in the death of or serious injury to any person
 - o an incident resulting in attendance by a police officer or health professional.

Guidance for meeting these safety duties is included at Section 4 of this Code. The relevant sections of the CPVI Act and CPVI Regulations are below.

CPVI Act Section 25

Duties of persons who have control over the provision of commercial passenger vehicle services

- 1) A person who has control over the provision of commercial passenger vehicle services, must, so far as is reasonably practicable, ensure those services are provided safely.

Penalty: In the case of an individual, 1800 penalty units;
In the case of a body corporate, 9000 penalty units.

Note

Section 284 (criminal liability of officers of bodies corporate—failure to exercise due diligence) applies to an offence against this subsection.

- 1) An offence against subsection (1) is an indictable offence.
- 2) For the purposes of this section—

- a) a reference to a person who has control over the provision of commercial passenger vehicle services includes a person who would

have control if not for any agreement purporting to limit or remove that control; and

- b) a passenger of a motor vehicle who is being provided commercial passenger vehicle services does not have control over the provision of those services.

Suppliers of services or equipment

Persons that supply services and equipment must:

- ensure that the thing is safe when used for a purpose for which it was supplied, installed, maintained, repaired or modified.
- ensure there is adequate information about:
 - o the use for which the thing was supplied, installed, maintained, repaired or modified
 - o the results of any testing or examination completed
 - o any conditions necessary to ensure the thing is safe when used for a purpose for which it was supplied, installed, maintained, repaired or modified.
- carry out, or arrange any testing and examination required.
- notify the regulator within 10 business days of:
 - o an incident resulting in the death of or serious injury to any person
 - o an incident resulting in attendance by a police officer or health professional.

Guidance for meeting these safety duties is included at Section 5 of this Code. The relevant sections of the CPVI Act and CPVI Regulations are below.

CPVI Act Section 26

Duties of suppliers of services or equipment

- 1) A person who supplies, installs, maintains, repairs or modifies any thing and knows, or ought reasonably to know, that the thing is used, or is to be used, in the provision of commercial passenger vehicle services must—
 - a) ensure, so far as is reasonably practicable, that the thing is safe when used for a purpose for which it was supplied, installed, maintained, repaired or modified; and
 - b) carry out, or arrange the carrying out, of such testing and examination as may be necessary for compliance with this section; and
 - c) in the case of a thing to which paragraph (a) applies, take such action as is necessary to ensure that there will be available in connection with the use of the thing adequate information about—
 - i. the use for which the thing was supplied, installed, maintained, repaired or modified; and
 - ii. the results of any testing or examination referred to in paragraph (b); and

- iii. any conditions necessary to ensure the thing is safe when used for a purpose for which it was supplied, installed, maintained, repaired or modified.

Penalty: In the case of an individual, 1800 penalty units;
In the case of a body corporate, 9000 penalty units.

Note

Section 284 (criminal liability of officers of bodies corporate—failure to exercise due diligence) applies to an offence against this subsection.

- 2) An offence against subsection (1) is an indictable offence.
- 3) For the purposes of subsection (1), if the person who supplies the thing—
 - a) carries on the business of financing the acquisition of the thing by customers; and
 - b) has, in the course of that business, acquired an interest in the thing solely for the purpose of financing its acquisition by a customer from a third person or its provision to a customer by a third person; and
 - c) has not taken possession of the thing or has taken possession of it solely for the purpose of passing possession to that customer—the reference in that subsection to the person who supplies that thing is instead taken to be a reference to the third person.
- 4) This section does not apply to a person who designs, commissions, constructs or manufactures a motor vehicle.
- 5) In this section "supplies" includes designs, commissions, constructs or manufactures.

Drivers providing commercial passenger vehicle services

Drivers providing commercial passenger vehicle services must:

- take reasonable care for their own health and safety.
- take reasonable care for the health and safety of persons who may be affected by the driver's acts or omissions.
- co-operate with a booking service provider to comply with safety duties.
- notify the regulator within 10 business days of:
 - o an incident resulting in the death of or serious injury to any person
 - o an incident resulting in attendance by a police officer or health professional.

Guidance for meeting these safety duties is included at Section 6 of this Code. The relevant sections of the CPVI Act and CPVI Regulations are below.

CPVI Act Section 27

- 1) A driver of a motor vehicle who provides or will be providing commercial passenger vehicle services by means of the vehicle must—
 - a) take reasonable care for the driver's own health and safety; and
 - b) take reasonable care for the health and safety of persons who may be affected by the driver's acts or omissions; and
 - c) co-operate with a booking service provider with respect to any action taken by the booking service provider to comply with a requirement imposed by or under this Act or the regulations.

Penalty: 1800 penalty units.

- 2) An offence against subsection (1) is an indictable offence.

1.4 What if a person fails to comply with a safety duty?

The CPVI Act sets out significant monetary penalties for breaches of safety duties.

CPVI Act Part 2, Division 3, Sections 23–27: Safety duties

In the case of an individual, 1,800 penalty units

In the case of a body corporate, 9,000 penalty units

If the safety duty holder is a body corporate, an officer of the body corporate also commits an offence if that officer failed to exercise due diligence to prevent the commission of the offence by the body corporate.

The value of a penalty unit is updated on 1 July each year by the Department of Treasury and Finance. At the time of publication, one penalty unit has a value of \$165.22. This means current maximum penalties for a breach of a safety duty are \$297,396 for an individual or \$1,486,980 for a body corporate.

In addition, if a safety duty holder breaches their safety duties, their accreditation or registration may be suspended or cancelled.

2. Vehicle owners

2.1 What do vehicle owners need to do?

This section provides further practical guidance about what owners of vehicles used to provide commercial passenger vehicle services need to ensure, including that:

- **their vehicle is safe**
- **passengers that travel in their vehicle are safe**
- **drivers that provide services in their vehicle are safe.**

2.2 Vehicle safety

As a vehicle owner I need to:	So, I will, so far as is reasonably practicable:
Ensure the vehicle is safe	<ul style="list-style-type: none"> • Get my vehicle regularly serviced. • Ensure that servicing and repairs are undertaken and are consistent with manufacturer's guidelines. • Get a roadworthy inspection or a ST VIC approved safety inspection every 12 months. • Ensure the driver checks the vehicle is safe before each use. • Fix any vehicle safety issues I'm told about or identify before the vehicle is used again. • In the event of a manufacturer safety recall, take immediate action to comply with the recall. • Make sure that vehicle repairs or servicing are completed by a qualified professional. • Make sure basic maintenance tasks or checks are completed by skilled personnel. • Make sure that vehicles have any safety equipment a driver might need to suit weather and road conditions, for example snow chains. • Make sure all equipment is installed correctly and securely.
Communicate with drivers	<ul style="list-style-type: none"> • Tell my drivers when the vehicle was inspected last and whether it passed. • Tell my drivers how to report safety issues to me and advise them when the safety issue has been resolved. • Make sure my drivers know how to use the vehicle controls and features. • Make sure my drivers know how to check a vehicle is safe before they use it.
Support accessibility	<ul style="list-style-type: none"> • Ensure that my vehicle has all necessary restraints for the passengers that it will be carrying.
Wheelchair Accessibility Vehicles	<ul style="list-style-type: none"> • Ensure that equipment such as wheelchair lifts, seatbelts and restraints are installed and maintained in line with the manufacturer's instructions. • Ensure that the vehicle complies with the specifications for wheelchair accessible commercial passenger vehicles.

	<ul style="list-style-type: none"> • Ensure that I have a current Vehicle Assessment Signatory Scheme (VASS) approval.
--	---

2.3 Passenger safety

As a vehicle owner I need to:	So, I will, so far as is reasonably practicable:
Make sure the vehicle has a working security camera ¹	<ul style="list-style-type: none"> • Where applicable, ensure cameras in my vehicles are: <ul style="list-style-type: none"> ○ of an approved type ○ installed correctly ○ operating correctly. • Ensure that stored footage and images are not accessible by an unauthorised third party.
Make sure the drivers that use my vehicle are safe	<ul style="list-style-type: none"> • Ensure all drivers are accredited with ST VIC. • Ensure all drivers have the appropriate driver licence and endorsement for the type of vehicle they drive. • Ensure all drivers have a Wheelchair Accessible Vehicle (WAV) endorsement if providing WAV services. • Ensure that drivers that drive my vehicle obtain a Working With Children Check (WWCC) if they regularly transport passengers under the age of 18 that are not accompanied by an adult. Examples include: <ul style="list-style-type: none"> ○ where a Booking Service Provider (BSP) they associate with advertises child transport services, and they provide those services. ○ Where a driver regularly transports children who are not accompanied by an adult to or from school or other social activities. • Ensure that a driver knows to seek advice from their BSP or WWCC Victoria if they are unsure.
Make sure the vehicle has safe equipment	<ul style="list-style-type: none"> • Ensure my vehicles are set up to minimise driver distraction.
Report notifiable incidents	<ul style="list-style-type: none"> • If I become aware of a notifiable incident, report it to ST VIC as soon as possible, and no later than 10 business days after becoming aware. • Incorporate notifiable incidents into risk registers.
Support accessibility	<ul style="list-style-type: none"> • Ensure that drivers of my vehicles have the information and training necessary to operate equipment (for example lifts and hoists) safely and appropriately.

2.4 Driver safety

As a vehicle owner I need to:	So, I will, so far as is reasonably practicable:
Provide drivers with instructions	<ul style="list-style-type: none"> • Provide drivers with instruction about how to operate the vehicle safely.

¹ Cameras are required in unbooked vehicles only

<p>Make sure the driver can operate the vehicle safely</p>	<ul style="list-style-type: none"> • Ensure the vehicle is used as intended. • Ensure all drivers are accredited with ST VIC. • Make sure all vehicle equipment meets relevant CPV specifications. • Ensure drivers can use in-vehicle equipment in a safe manner. • Not allow a vehicle that I know is unsafe to be driven or used to provide a commercial passenger vehicle service.
<p>Make sure the vehicle is safe</p>	<ul style="list-style-type: none"> • Ensure that my vehicles have compliant seatbelts for each passenger. • Ensure that in vehicle equipment such as cameras, dispatch devices and GPS are secured. • Ensure vehicles are safe and roadworthy. • Make sure that vehicle repairs or servicing are completed by a qualified professional. • Make sure basic maintenance tasks or checks are completed by skilled personnel. • Make sure the vehicle meets CPV Registration conditions. • Ensure the vehicle is registered with VicRoads and ST VIC. • Ensure that servicing and repairs are undertaken in line with the manufacturer's requirements. • Make sure all equipment is installed correctly and securely and won't dislodge.
<p>Report notifiable incidents</p>	<ul style="list-style-type: none"> • If I become aware of a notifiable incident, report it to ST VIC as soon as possible, and no later than 10 business days after becoming aware.
<p>Support accessibility</p>	<ul style="list-style-type: none"> • Ensure that drivers of my vehicles have the information and training necessary to operate equipment (for example lifts and hoists) safely and appropriately.

3. Booking service providers

3.1 What do booking service providers need to do?

This section provides further practical guidance about what booking service providers need to ensure, including that:

- **vehicles that they allocate trips to are safe**
- **passengers that use their services are safe**
- **drivers associated with their brand are safe**
- **passengers are loaded and unloaded safely**
- **drivers do not injure themselves or others when assisting passengers.**

3.2 Vehicle safety

As a booking service provider I need to:	So, I will, so far as is reasonably practicable:
Ensure the vehicle is safe	<ul style="list-style-type: none"> • Ensure vehicles are serviced regularly by a qualified professional • Ensure that servicing and repairs are undertaken in line with the manufacturer’s requirements. • Ensure the vehicle passes a roadworthy inspection, or an inspection approved by ST VIC every 12 months. • Ensure the driver checks the vehicle is safe before they drive it. • Fix, or ensure that the vehicle owner fixes, any vehicle safety issues I’m told about, or identify, before the vehicle is used again. • In the event of a manufacturer safety recall, not allocate any trips to the vehicle until action has been taken to comply with the recall. • Ensure vehicle repairs or servicing are completed by a qualified professional. • Ensure that basic checks or maintenance work is undertaken by skilled personnel. • Ensure that vehicles have any safety equipment a driver might need to suit weather and road conditions, for example snow chains. • Only allocate trips to vehicles registered with ST VIC. • Establish a complaints management system to ensure that every relevant complaint is investigated promptly. • Respond to complaints from passengers about vehicle safety. • Ensure the vehicle is fit for purpose for the booking that was made. • Ensure all equipment is installed correctly and won’t dislodge.
Implement systems to ensure associated drivers have enough	<ul style="list-style-type: none"> • Develop, implement and audit policies for the maintenance and inspection of commercial passenger vehicles. • Develop and maintain a register of safety risks.

information, instruction, training or supervision to provide commercial passenger vehicle services safely	
Support accessibility	In relation to vehicles that provide both booked and unbooked services, ensure that the vehicle: <ul style="list-style-type: none"> • is fitted with an electronic transaction terminal to process MPTP transactions, and • has tactile registration number signs fitted to the exterior of passenger doors forward of, and level with, the door handles, and • is fitted with number plates that have been issued with the written authority of ST VIC, that identify the vehicle as a vehicle that may lawfully provide unbooked commercial passenger vehicle services.
Wheelchair Accessibility Vehicles (WAV)	<ul style="list-style-type: none"> • Ensure that all equipment such as wheelchair lifts, restraints and seatbelts are maintained to the manufacturer standards. • Ensure vehicles comply with the ST VIC Wheelchair Accessible Vehicle specifications.

3.3 Passenger safety

As a booking service provider I need to:	So, I will, so far as is reasonably practicable:
Provide instruction to associated drivers about providing safe CPV services and make sure they are following those instructions	<p>Ensure that the drivers I am allocating bookings to are aware that they must:</p> <ul style="list-style-type: none"> • drive to road, weather and traffic conditions. • not speed. • always use safe pick up and drop off points. • not drive while impaired by fatigue, or drowsiness. • not use illegal drugs or drive while impaired by any legal or illegal drugs. • have a 0.00 blood alcohol reading. • take regular breaks. • not drive if they are unwell or have a contagious illness. • not get distracted by: <ul style="list-style-type: none"> ○ dispatch systems ○ phones ○ navigation aids ○ other equipment. • only drive vehicles they are licensed to drive. • know how to use the vehicle controls and features.

	<ul style="list-style-type: none"> • follow all road rules (acknowledging that some of the above items refer to specific road rules). <p>Ensure that drivers are following instructions and guidelines.</p> <ul style="list-style-type: none"> • Take appropriate action if non-compliance, for example stop allocating bookings or provide driver with training. Action should escalate if the non-compliance is repeated. <p>Ensure all drivers confirm their identity before providing CPV services.</p>
Check the public register	<ul style="list-style-type: none"> • Check the ST VIC public register and only allocate bookings to accredited drivers and registered vehicles.
Report notifiable incidents	<ul style="list-style-type: none"> • If I become aware of a notifiable incident, report it to ST VIC as soon as possible, and no later than 10 business days after becoming aware. • Add any newly identified risks to my risk register.
Support accessibility	<p>Ensure that drivers I am allocating bookings to understand that they must:</p> <ul style="list-style-type: none"> • Give reasonable help to passengers who have a physical or intellectual disability, or have limited mobility • Allow assistance animals in their vehicle and assist the passenger and their animal as needed • Assist passengers where necessary, while being mindful of passengers' personal space and incidental contact.
Support Wheelchair Accessibility Vehicles (WAV)	<p>If allocating wheelchair bookings, ensure that:</p> <ul style="list-style-type: none"> • the driver is endorsed to drive a WAV. • all WAV equipment such as lifts and hoists, seatbelts and restraints are equipped to operate in the correct manner. • the vehicle meets all requirements to be a wheelchair accessible vehicle, including that it is carrying appropriate restraints for each wheelchair position in the vehicle and that these are in good working order, for example free from fraying.

3.4 Driver safety

As a booking service provider I need to:	So, I will, so far as is reasonably practicable:
Provide instruction to associated drivers about providing safe CPV services and make sure they are following	<p>Ensure that the drivers I am allocating bookings to are aware that they must:</p> <ul style="list-style-type: none"> • drive to road, weather and traffic conditions. • not speed. • always use safe pick up and drop off points. • not drive tired, drowsy or fatigued. • not use illegal drugs or drive while impaired by any legal or illegal drugs. • have a 0.00 blood alcohol reading. • take regular breaks. • not drive if they are unwell or have a contagious illness.

those instructions	<ul style="list-style-type: none"> • not get distracted by: <ul style="list-style-type: none"> ○ dispatch systems ○ phones ○ navigation aids ○ other equipment. • only drive vehicles they are licensed to drive. • know how to use the vehicle controls and features. • follow all road rules (acknowledging that some of the above items refer to specific road rules). • follow manual lifting guidelines, particularly in relation to lifting luggage and other passenger effects. <p>Ensure that drivers are following instructions and guidelines.</p> <ul style="list-style-type: none"> • take appropriate action if non-compliance is identified, for example stop allocating bookings or provide driver with training.
Allocate bookings to drivers	<ul style="list-style-type: none"> • Ensure that drivers are appropriately trained and endorsed for the vehicles they use and the services they are providing. • Only allocate bookings to drivers with safe, roadworthy vehicles. • Only allocate bookings to vehicles with current CPV registration. • Only allocate bookings to vehicles that have successfully completed a ST VIC approved vehicle inspection in the previous 12 months or are less than 12 months old. • Maintain, where possible, a general awareness of drivers' wellbeing. • Notify police if I suspect there is an imminent threat to safety (of a driver or passenger), or if I become aware of a threat to the safety of a driver or passenger. • Provide adequate support to drivers when needed.
Provide passengers with professional customer service	<p>Ensure drivers I am allocating bookings to are aware that the vehicle is a workplace and therefore:</p> <ul style="list-style-type: none"> • Are aware that non-consensual sexual conduct is a criminal offence that can result in jail; and that consensual sexual conduct is inappropriate and will result in ST VIC suspending or cancelling driver accreditation. • Avoid using offensive or discriminatory language. • Avoid inappropriate discussions including discussions of sex or dating or asking passengers their relationship status. • Do not ask for passengers' personal contact details. • If they receive a passenger's personal contact details in the course of providing CPV services, do not use the contact details for any other purpose. • Do not follow passengers once they get out of the vehicle. • Ensure that drivers obtain a Working With Children Check (WWCC) if they regularly transport passengers under the age of 18 that are not accompanied by an adult. Examples include: <ul style="list-style-type: none"> ○ where a BSP advertises child transport services, and I provide those services. ○ where a driver regularly transports children who are not accompanied by an adult to or from school or other social activities.

	<ul style="list-style-type: none"> • Ensure that a driver knows to seek advice from you or WWCC Victoria if they are unsure.
Support accessibility	<p>Ensure drivers I am allocating bookings to understand they must:</p> <ul style="list-style-type: none"> • Assist passengers where needed, while being conscious of passengers' personal space.
Wheelchair Accessible Vehicles (WAV)	<p>Ensure that drivers:</p> <ul style="list-style-type: none"> • Are endorsed to drive a WAV. • Can correctly and safely operate all WAV equipment such as lifts and hoists, seatbelts and restraints. • carry appropriate restraints for each wheelchair position in the vehicle and that these are in good working order, for example free from are mindful of their own capability and safety, particularly in relation to manual lifting and handling tasks.

4. Persons with control over the provision of commercial passenger vehicle services

4.1 What do persons with control over the provision of commercial passenger vehicle services drivers need to do?

This section provides further practical guidance about what persons with control over the provision of commercial passenger vehicle services need to ensure, including that vehicles, passengers and drivers associated with the services they have control over, always remain safe. This classification covers those people and entities that do not meet the definition of booking services provider, vehicle owners or driver but still have control over CPV services. It does not include passengers. For example, this may include, but is not limited to:

- related entities of another duty holder
- people or entities engaged to manage commercial passenger vehicle services (or any part of them) on behalf of another duty holder. It is important to note that a duty holder cannot be relieved of its safety duties by contracting with a third party.

4.2 CPV service safety

If I:	I will, so far as is reasonably practicable:
Am consulting, or contracting to a safety duty holder	<ul style="list-style-type: none">• Understand that I have my own safety duties that sit alongside the safety duties of the organisation I'm working with.• Not compromise safety.
Am a related entity of a safety duty holder	<ul style="list-style-type: none">• Understand that if I am exercising control over commercial passenger vehicle services, I have safety duty responsibilities.• Not compromise safety.
Am developing training or guidance material	<ul style="list-style-type: none">• Ensure that the advice and information I am providing is conveyed in a way that is easy to understand and provide sufficient information for people to meet their safety duties.
Report notifiable incidents	<ul style="list-style-type: none">• If I become aware of a notifiable incident, report it to ST VIC as soon as possible, and no later than 10 business days after becoming aware.

5. Suppliers of services and equipment

5.1 What do suppliers of services and equipment need to do?

This section provides further practical guidance about what suppliers of services and equipment need to ensure, including that:

- **equipment or services they provide for use in vehicles is safe**
- **vehicles to which they have provided services are safe**
- **passengers who travel in vehicles that use their equipment or services are safe**
- **drivers that travel in vehicles that use their equipment or services are safe.**

5.2 CPV service safety

If I:	I will, so far as is reasonably practicable:
Supply equipment	<ul style="list-style-type: none"> • Install equipment correctly. • Make sure the equipment meets relevant specifications and Australian standards. • Maintain and repair the equipment to manufacturer standards. • Confirm that any vehicle modifications are safe and fit for purpose. • Make sure the equipment doesn't affect safe operation of the vehicle. • Make sure in-vehicle equipment is appropriately secured and will not dislodge. • Make sure the equipment doesn't hinder the vehicle safety system, for example airbags. • Provide appropriate instruction to users, so they know how to operate equipment properly. • Provide appropriate instructions to users, so they understand the conditions necessary for safe usage.
Supply services	<ul style="list-style-type: none"> • Make sure vehicles and equipment are maintained and serviced to the manufacturer's standard.
Supply services or equipment to a wheelchair accessible vehicle	<ul style="list-style-type: none"> • Provide appropriate instruction and information to drivers and vehicle owners to enable them to operate any equipment properly. This may include for example operational and training manuals.
Wheelchair Accessible Vehicles (WAV)	<ul style="list-style-type: none"> • Make sure equipment is not modified outside of the manufacturer's or ST VIC's WAV specifications.
Report notifiable incidents	<ul style="list-style-type: none"> • If I become aware of a notifiable incident, report it to ST VIC as soon as possible, and no later than 10 business days after becoming aware.

6. Drivers

6.1 What do drivers need to do?

This section provides further practical guidance about what drivers need to ensure, including that:

- **the vehicle they drive to provide CPV services is safe**
- **their passengers are safe**
- **they are safe.**

6.2 Vehicle safety

As a driver, I need to:	So, I will:
Ensure the vehicle is safe prior to use	<ul style="list-style-type: none"> • Inspect the vehicle before starting a shift to ensure that it is safe to drive. • Confirm that the vehicle has had a CPV-approved inspection within the last 12 months. • Confirm that equipment is installed safely and correctly. • If I am aware of a manufacturer safety recall that applies to my vehicle, not drive the vehicle until action has been taken to comply with the recall.
Report safety risks	<ul style="list-style-type: none"> • Report any safety risks that I notice to the vehicle owner, and not use the vehicle until repairs have been done. • Report any upcoming maintenance or service issues that I am aware of to the owner.
Driver licence and endorsement/s	<ul style="list-style-type: none"> • Ensure I have the right licence for the vehicle I drive.
Maintain vehicle safety during use	<ul style="list-style-type: none"> • Properly secure loads and luggage. • Ensure I know how to operate the vehicle correctly, including vehicle controls, windscreen and mirrors.
Support accessibility	<ul style="list-style-type: none"> • Give reasonable help to passengers who have a physical or intellectual disability or have limited mobility. • Allow assistance animals in my vehicle and assist the passenger and their animal as needed.
Wheelchair Accessible Vehicles (WAV)	<ul style="list-style-type: none"> • If providing wheelchair accessible services <ul style="list-style-type: none"> ○ confirm the vehicle meets all requirements to be a wheelchair accessible vehicle. ○ correctly and safely operate all WAV equipment such as lifts and hoists, seatbelts and restraints. ○ carry appropriate restraints for each wheelchair position in the vehicle and that these are in good working order, for example free from fraying. ○ be mindful of my own capability and safety, particularly in relation to manual lifting and handling tasks. ○ hold the endorsement to drive a WAV.

6.3 Passenger safety

As a driver, I need to:	So, I will:
Provide adequate restraints	<ul style="list-style-type: none"> • Ensure that I have enough seatbelts and restraints for the number of passengers I drive. This includes wheelchair restraints and child restraints, if applicable. • Ensure that children are using a child restraint that is appropriate to their age and size and that it is fitted to the vehicle correctly.
Act safely and professionally towards passengers and other road users	<p>Follow all road rules and drive to road, weather and traffic conditions, including:</p> <ul style="list-style-type: none"> • Driving at a safe and legal speed • Using safe and legal pick up and drop off points • Ensuring passengers exiting the vehicle check for hazards or other road users including traffic or cyclists. • Not use illegal drugs or drive while impaired by any legal or illegal drugs. • Taking regular breaks • Not driving passengers when I am feeling unwell • Not driving while impaired by fatigue or drowsiness • Not driving passengers when there is a risk I will make others sick. • Not being distracted from driving by: <ul style="list-style-type: none"> • dispatch systems • phones • navigation aids • other equipment • Only using the following devices in a safe manner: <ul style="list-style-type: none"> • dispatch systems • phones • navigation aids • other equipment • Only driving vehicles I am licensed to drive.
Display identification and signage	<ul style="list-style-type: none"> • Ensure my photo and accreditation number/identification material is always clearly visible to the passenger, either in the vehicle or transmitted electronically before the start of the trip. • Ensure that my vehicle is identifiable as a commercial passenger vehicle with signage. • Ensure I confirm my identity with my BSP if required to, before providing CPV services.
Manage health and safety	<ul style="list-style-type: none"> • Not smoke in the vehicle. • Assist passengers to get in and out of the vehicle if requested. • If assisting a passenger, be aware of their personal space. • Follow the passenger's route directions, if requested. • Make sure passengers are wearing seatbelts.

	<ul style="list-style-type: none"> • Make sure that if children are using a child restraint, it is appropriate to their age and size and is fitted correctly.
Report notifiable incidents	<ul style="list-style-type: none"> • If I become aware of a notifiable incident, report it to ST VIC as soon as possible, and no later than 10 business days after becoming aware.
Act in a professional way	<p>Always remember that the vehicle is a workplace and:</p> <ul style="list-style-type: none"> • Not inappropriately touch passengers or engage in sexual conduct with passengers. • Avoid using offensive or discriminatory language. • Avoid inappropriate discussions including discussions of sex or dating or asking passengers their relationship status. • Not ask for passengers' personal contact details. • If I receive passengers' personal contact details in the course of providing CPV services, not use the contact details for any other purpose. • Not follow passengers once they get out of the vehicle. • Ensure that I obtain a Working With Children Check (WWCC) if I regularly transport passengers under the age of 18 that are not accompanied by an adult. Examples include: <ul style="list-style-type: none"> ○ My booking service provider advertises child transport services, and I provide those services. ○ I regularly transport children who are not accompanied by an adult to or from school or other social activities. • If you're unsure whether you need a WWCC, seek advice from your booking service provider or WWCC Victoria.
Support accessibility	<ul style="list-style-type: none"> • Give reasonable help to passengers who have a physical or intellectual disability or have limited mobility. • Allow assistance animals in the vehicle. • Use safe pick up and drop off points, specific to the needs of the passenger, while considering other road users. • If assisting the passenger, be aware of personal space and incidental contact.
Wheelchair Accessible Vehicles (WAV)	<ul style="list-style-type: none"> • If providing wheelchair accessible services: <ul style="list-style-type: none"> ○ confirm the vehicle meets all requirements to be a wheelchair accessible vehicle. ○ correctly and safely operate all WAV equipment such as lifts and hoists, seatbelts and restraints. ○ carry appropriate restraints for each wheelchair position in the vehicle and that these are in good working order, for example free from fraying. • Be mindful of my own capability and safety, particularly in relation to manual lifting and handling tasks. Not use equipment if I know it is faulty. • Only use the appropriate equipment for the task.

6.4 Driver safety

As a driver, I need to:	So, I will:
Act safely and professionally towards passengers and other road users	<p>Whether I have a passenger, or am driving on my own I will:</p> <ul style="list-style-type: none"> • Follow all road rules and signs • Drive to road, weather and traffic conditions • Not speed • Always use safe pick up and drop off points • Check for hazards or other road users including traffic or cyclists when exiting the vehicle • Not drive when impaired by fatigue or drowsiness • Not use illegal drugs or drive while impaired by any legal or illegal drugs. • Take regular breaks • Not drive if I am unwell or have a contagious illness • Comply with all booking service provider and vehicle owner policies • Only use the following devices in a safe manner (and not be distracted): <ul style="list-style-type: none"> ○ dispatch systems ○ phones ○ navigation aids ○ other equipment • Only drive vehicles I am licensed and accredited to drive. • Only use the vehicle for the purpose for which it was intended. • Ensure I know how to operate the vehicle safely.
Look after my safety when dealing with passengers	<ul style="list-style-type: none"> • Not allow a passenger into my vehicle if I feel unsafe. • Not chase fare evaders but refer the matter to police if I choose to. • Remove myself from an aggressive or violent situation. • Only assist passengers if it's safe to do so. • Use correct lifting techniques, for example when assisting with luggage. • Be mindful of my own safety, particularly when lifting items or assisting passengers. • Not stand on wheelchair lifts or hoists.
Be aware of my environment	<ul style="list-style-type: none"> • Check for hazards before I exit the vehicle. • Not keep valuable items or large amounts of cash in the vehicle. • Call the police if I feel unsafe or in danger. • Call 000 in an emergency.
Ensure my behaviour remains	<p>Always remember that the vehicle is a workplace and:</p> <ul style="list-style-type: none"> • Not inappropriately touch passengers or engage in sexual conduct with passengers.

<p>professional at all times</p>	<ul style="list-style-type: none"> • Avoid using offensive or discriminatory language. • Avoid inappropriate discussions including discussions of sex or dating or asking passengers their relationship status. • Not ask for passengers' personal contact details. • If I receive passengers' personal contact details in the course of providing CPV services, not use the contact details for any other purpose. • Not follow passengers once they get out of the vehicle. • Ensure that I obtain a Working With Children Check (WWCC) if I regularly transport passengers under the age of 18 that are not accompanied by an adult. Examples include: <ul style="list-style-type: none"> ○ My booking service provider advertises child transport services, and I provide those services. ○ I regularly transport children who are not accompanied by an adult to or from school or other social activities. • If you're unsure whether you need a WWCC, seek advice from your booking service provider or WWCC Victoria. • Respect other road users.
<p>Report notifiable incidents</p>	<ul style="list-style-type: none"> • If I am involved in or become aware of a notifiable incident, report it to ST VIC as soon as possible, within 10 business days.
<p>Support accessibility</p>	<ul style="list-style-type: none"> • Use correct manual handling techniques when lifting items or assisting passengers.
<p>Wheelchair Accessible Vehicles (WAV)</p>	<ul style="list-style-type: none"> • Operate wheelchair lifts correctly and appropriately.

7. More information

For more resources and tools, please visit ST VIC's Resource Tool Box at: <https://cpv.vic.gov.au/about-us/ST-Vic-online-tools/industry-resource-toolbox>

Glossary

Words that are defined in the Act or the Regulations have the same meaning in this Code of Practice as in the Act unless the context provides otherwise.

Booking service means a service that receives requests for people to be provided with commercial passenger vehicle services and arranges or facilitates those requests by or on behalf of drivers of commercial passenger vehicles.

Booking service provider means a person who provides a booking service.

Commercial passenger vehicle means a motor vehicle that is registered as a commercial passenger vehicle under Part 3 of the Act.

Commercial passenger vehicle service means driving to collect, or carrying, one or more passengers in a commercial passenger vehicle for a fare or other consideration on a journey that begins in Victoria.

Safe Transport Victoria (ST VIC) is the name given to the Commercial Passenger Vehicle Commission, which is the regulator for the purposes of the Act.

Controls are actions taken to eliminate or minimise risks so far as is reasonably practicable.

Driver means the person in control of a commercial passenger vehicle.

Driver accreditation means the approval by ST VIC for a person to drive a commercial passenger vehicle to provide a commercial passenger vehicle service.

Fatigue means extreme tiredness resulting from mental or physical exertion or illness.

Hazard means a situation or thing that has the potential to harm a person (for example, through death, injury or illness).

Notifiable incident means an incident that results in the death or serious injury of any person, or an incident that results in the attendance of a police officer or health professional in relation to providing a commercial passenger vehicle service.

Penalty unit is an amount calculated and set out in the *Monetary Units Act 2004* (Vic) that defines the amount payable for a fine. Penalty units are indexed on 1 July each financial year in line with inflation.

Qualified professional used in relation to vehicle repairs or servicing. Including an individual, such as an engineer, auto-electrician, vehicle mechanic, collision repairer or panel beater, who has undertaken formal, recognised training at a Registered Training Organisation or similar.

Risk is the possibility that harm (for example, death, injury or illness) might occur when exposed to a hazard.

Safety duties are positive duties imposed on safety duty holders to ensure the safety of their commercial passenger vehicle service and/or equipment and services by eliminating risks or by reducing those risks.

Safety duty holder is a person who has the capacity to influence and control the commercial passenger vehicle service or equipment being used to provide a commercial passenger vehicle service and is responsible for the safety of that service.

Safety culture is about people and how they work together. There is no standard definition of safety culture, but there are two main things that are common to all definitions:

- It is about people's values, attitudes, beliefs and behaviours. In an organisation with a good safety culture, these are geared towards safety, which is considered a priority.
- It is about the spread of these values, attitudes, beliefs and behaviours. Organisations with a good safety culture have these spread throughout – from top management to the shop floor and in everything everyone does in the organisation.²

Skilled personnel used in relation to basic vehicle maintenance tasks. Including an individual who may not be a qualified vehicle mechanic or repairer, but who has the knowledge and skills to competently carry out basic maintenance tasks and/or basic vehicle checks. For example, a vehicle owner changing their wiper blades, or a driver checking that their brakes are in working order.

² <https://www.arpana.gov.au/regulation-and-licensing/safety-security-transport/holistic-safety/safety-culture>