



CPV CODE OF PRACTICE
Vehicle Owners, Booking Service
Providers and Drivers
2026

CONTENTS

1.	Introduction	4
1.1	What this Code of Practice is	4
1.2	Who the Code applies to	4
1.3	What this means for you	4
1.4	How to use the Code of Practice	4
1.5	Role-based examples	4

2.	Drivers	5
2.1	What do drivers need to do?	5
2.2	Key driver hazards and responsibilities	5

3.	Vehicle Owners	10
3.1	What do vehicle owners need to do?	10
3.2	Key hazards and responsibilities	10

4.	Booking Service Providers (BSPs)	14
4.1	What do BSPs need to do?	14
4.2	BSPs may choose one of two approaches	14
4.3	Hazards-based approach	15

5.	Risk assessment approach	23
5.1	Step 2 – Assess risks	23
5.2	Step 3 – Control risks	25
5.3	Hierarchy of control identification	26
5.4	Step 4 – Monitor and review controls	26
5.5	Example: Applying the risk management process	27

6.	Legal framework	29
6.1	Safety duties under the CPVI Act	29
6.2	Safety principles that guide this Code	29
6.3	What is “reasonably practicable”?	29



1. INTRODUCTION

1.1 What this Code of Practice is

This Code of Practice (the Code) outlines common hazards and responsibilities for commercial passenger vehicle safety duty holders.

1.2 Who the Code applies to

- Drivers
- Vehicle owners
- Booking service providers (BSPs).

1.3 What this means for you

Adopting the code is one way for safety duty holders to ensure the safety of their CPV services. While applying the Code isn't mandatory, following it means you've most likely met your safety duties under section 34 of the CPVI Act. In this Code, 'should' means a recommended action to meet safety duties, while 'may' means an optional action.

1.4 How to use the Code of Practice

Step 1: Identify your role

Check which safety duty holder categories apply to you.

Step 2: Read the section(s) that apply to you

Note the hazards that apply to your role(s).

Step 3: Follow the practical examples

Use the steps to manage each hazard.

1.5 Role-based examples

Example: Driver and vehicle owner

If you are both a driver and a vehicle owner, you should follow the guidance in [Section 2 \(driver\)](#) and [Section 3 \(vehicle owner\)](#). This means you should manage hazards related to **vehicle safety**, such as maintenance and inspections, and **driving**, such as fatigue.

Example: Vehicle owner and booking service provider

If you are both a booking service provider and a vehicle owner, follow the guidance in [Section 3](#) (vehicle owner) and [Section 4](#) (booking service provider). This means you must ensure the vehicle is safe and properly maintained, and that systems are in place to monitor inspections and address safety issues.

Example: Driver, vehicle owner and booking service provider

If you are a vehicle owner, booking service provider and driver, follow the guidance in [Section 2](#) (driver), [Section 3](#) (vehicle owner) and [Section 4](#) (booking service provider). This means you must ensure the vehicle is roadworthy and maintained, that only safe vehicles are allocated bookings, and that daily safety checks are carried out before driving.

2. DRIVERS

2.1 What do drivers need to do?

This section outlines common hazards drivers may face and the actions they must take to manage these risks.

Drivers must take care of their own health and safety and the safety of other people. They must also comply with the safety requirements of their booking service providers and follow the rules in the Act and regulations. Specifically, the [Commercial Passenger Vehicle Industry Act 2017](#) (Vic) (CPVI Act) outlines that drivers must:

- a) take reasonable care for their 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 [Commercial Passenger Vehicle Industry Regulations 2018](#) (regulations).

2.2 Key driver hazards and responsibilities

Drivers must manage the following hazards when providing CPV services.

- Impairment and fatigue
- Inappropriate conduct
- Unsafe driving behaviour
- Poor awareness of environmental factors
- Neglecting safety checks and reporting.

The hazard sections below explain what drivers need to do to manage each hazard.

Hazard: Impairment, including fatigue

Drivers must be fit to drive. Illness, drugs and fatigue can affect this.

Meaning	Health conditions such as poor mental health, illness, and substance use can affect the ability to drive safely and may put other road users at risk.
Your responsibilities	<ul style="list-style-type: none">• Do not drive a vehicle when you are feeling unwell or if there is a risk you will make others sick• Do not use illegal drugs or drive while impaired by any legal or illegal drugs• Be mindful of your own ability and safety, especially when lifting heavy objects or helping passengers• Be physically and medically fit to drive and have regular health checks.

Risks and controls: fatigue

Fatigue means being very tired. Drivers must not drive if they are too tired to drive safely.

Risk	Fatigue can affect your ability to concentrate, react quickly and drive safely.
Controls	<ul style="list-style-type: none">• Do not drive if you are too tired to drive safely• Take regular breaks• Follow policies and procedures that are in place by the vehicle owner and/or your affiliated BSP.

Hazard: Inappropriate conduct

Drivers must behave respectfully and professionally when dealing with passengers. Offensive, discriminatory, or unsafe behaviour toward passengers may constitute a breach of the law.

Meaning	Failure to act professionally or speak respectfully to passengers can create safety risks. This includes harassment, discrimination and failure to respect personal boundaries.
----------------	---

Your responsibilities	<p>Act respectfully and professionally.</p> <ul style="list-style-type: none">• Do not use offensive or discriminatory language• Avoid inappropriate discussions, including discussions about sexual activity or dating, or asking passengers their relationship status• Do not touch passengers inappropriately<ul style="list-style-type: none">» If assisting the passenger, be aware of personal space and incidental contact• Do not engage in sexual conduct with passengers• Do not ask for passengers' personal contact details<ul style="list-style-type: none">» If you receive these details when providing CPV services, you must not use them for any other purpose• Do not follow passengers once they get out of the vehicle. <p>A CPV vehicle is a workplace.</p> <ul style="list-style-type: none">• Do not smoke in the vehicle• Always allow assistance animals in your vehicle and assist the passenger and their animal when needed• Give reasonable help to passengers who have a physical or intellectual disability or have limited mobility• Follow the passenger's directions if they ask• Respect other road users.
------------------------------	---

Risk and controls: Violence from passengers

Drivers must take action to protect their own safety if a passenger behaves aggressively or violently.

Risk Passengers who behave aggressively or inappropriately can put drivers at risk, so drivers need to know how to de-escalate situations and protect their own safety.

Controls Drivers must look after their safety by refusing entry to aggressive or violent passengers, removing themselves from aggressive situations.

- Call 000 in an emergency or if you feel unsafe or in danger
- Do not allow a passenger into your vehicle if you feel unsafe
- Do not chase fare evaders - call the police
- Leave an aggressive or violent situation.

Hazard: Unsafe driving behaviour

Meaning Complacency, illegal activity and insufficient knowledge of road rules can contribute to risky behaviour, increasing the risk of crashes, injuries, and fatalities, and endangering drivers, passengers, pedestrians and other road users.

Drivers are responsible for safe driving practices, staying informed about road rules, and being aware of the safety of all road users.

Your responsibilities

You must follow safe driving practices, including:

- Making sure passengers are wearing seatbelts
 - » If children are using a child restraint, make sure it is appropriate to their age and size and is fitted correctly
- Drive at a safe and legal speed
- Use the following devices in only a safe manner: dispatch systems, phones, navigation aids, other equipment
- Properly secure loads and luggage
- Be aware of your own capability and safety, especially when lifting and handling heavy objects
- If relevant, correctly and safely operate all Wheelchair Accessible Vehicle (WAV) equipment such as lifts and hoists, seatbelts and restraints.

Hazard: Poor awareness of environmental factors

Meaning Poor awareness of environmental factors such as bad weather, traffic (including pick-up and drop-off areas) and wildlife could risk crashes and injury.

- Your responsibilities** Drivers are responsible for adapting to conditions and driving safely. You must:
- Drive to road, weather and traffic conditions
 - Use safe pick up and drop off locations that suit the passenger and consider other road users
 - Make sure passengers check for traffic, cyclists or other hazards when exiting the vehicle
 - Only assist passengers if it's safe to do so
 - Check for hazards before leaving the vehicle.

Hazard: Neglecting safety checks and reporting

- Meaning**
- If a vehicle is not checked before use, it may not be safe or compliant, creating risks for drivers, passengers and other road users
 - Not confirming that the vehicle has had a recent approved inspection or ignoring manufacturer safety recalls can lead to serious faults and increase the risk of an accident
 - Failing to report safety issues, compliance problems or maintenance needs can allow unsafe conditions to continue, putting you and others at risk.

- Your responsibilities**
- Reporting requirements**
- You must follow reporting and compliance requirements. This includes:
- Only drive vehicles that you are licensed and accredited to drive
 - Only use the vehicle for its intended purpose
 - Follow the policies of the booking service provider and the vehicle owner¹
 - Have a Working With Children Check (WWCC) if you regularly transport passengers under 18 who are not accompanied by an adult²
 - If you are unsure whether you need a WWCC, check with your booking service provider or WWCC Victoria
 - Report any notifiable³ incident to ST Vic
 - Report any safety issues you notice to the vehicle owner and do not use the vehicle until it has been repaired
 - Tell ST Vic which booking service providers you are affiliated with
 - Do not drive a vehicle displaying the markings of a booking service provider you are not affiliated with.

1. For example: Ensure you confirm my identity with my BSP if required to, before providing CPV services.

2. Examples include: your booking service provider advertises child transport services, and you provide those services. You regularly transport children who are not accompanied by an adult to or from school or other social activities.

3. Notifiable incidents can be found in the Commercial Passenger Vehicle Industry Act 2017

Safety checks

You must carry out safety checks before driving. This includes:

- Check the vehicle before starting your shift to make sure it is safe to drive
 - Make sure there are enough seatbelts and restraints for all passengers. This includes wheelchair restraints and child restraints where needed
 - Make sure you know how to operate the vehicle safely, including the controls, windscreen and mirrors
 - Confirm the vehicle has had a CPV-approved annual inspection within the last 12 months
 - Make sure your photo and accreditation number or identification are clearly visible to passengers, either in the vehicle or provided electronically before the trip starts
 - Make sure the vehicle is clearly identified as a commercial passenger vehicle with the correct signage
 - Check that equipment is installed correctly and do not use it if it is faulty
 - If a manufacturer safety recall applies to your vehicle, do not drive it until the issue has been fixed
 - If you operate a wheelchair accessible vehicle (WAV), you must also:
 - » Carry appropriate restraints for each wheelchair position and make sure they are in good working order, for example not frayed or damaged
 - » Confirm the vehicle meets all WAV requirements.
-

3. VEHICLE OWNERS

3.1 What do vehicle owners need to do?

Vehicle owners must, so far as is reasonably practicable, ensure their vehicle is safe when it is used to provide CPV services.

This Code gives practical guidance for meeting these requirements.

Vehicle owners must ensure:

- **Their vehicle is safe, including any equipment or systems needed to provide safe services**
- **Passengers that travel in their vehicle are safe**
- **Drivers providing services in their vehicle are safe, by providing them with enough information and instruction to provide safe services.**

3.2 Key hazards and responsibilities

This section outlines common safety hazards and the responsibilities vehicle owners have to manage them, including:

- Poorly maintained vehicles
- Poorly maintained equipment
- Inadequate communication or oversight controls
- Inappropriate or unqualified drivers.

Hazard: Poorly maintained vehicle

Meaning	Failing to properly maintain a vehicle can create serious safety risks for drivers, passengers and other road users, and can lead to mechanical failures and a higher risk of accidents.
Your responsibilities	Vehicle maintenance Vehicle owners are responsible for making sure their vehicle is properly maintained. They must: <ul style="list-style-type: none">• Ensure vehicles are safe and roadworthy• Have the vehicle regularly serviced by a qualified professional• Make sure maintenance tasks or safety checks are carried out by skilled personnel• Not allow a vehicle that you know is unsafe to be driven or used to provide a commercial passenger vehicle service.

Inspections and registrations

You must have the required inspections and registrations.

This includes:

- Complying with any registration conditions that require an approved vehicle inspection at intervals set by ST Vic
 - Ensuring the vehicle is registered with VicRoads and ST Vic
 - Ensuring the vehicle meets all CPV registration requirements.
-

Vehicle manufacturer requirements

You must comply with manufacturer safety requirements.

This includes:

- Servicing and repairs are done in line with the manufacturer's requirements
 - If a manufacturer issues a safety recall for your vehicle, take immediate action to comply with the recall before the vehicle is used.
-

Hazard: Poorly maintained equipment

Meaning

If equipment such as wheelchair lifts or approved cameras are not installed correctly or do not operate properly, this can create safety risks for drivers and passengers.

Your responsibilities

Vehicle owner responsibilities

Make sure your vehicles have:

- Compliant seatbelts for each passenger – it must work properly, lock in place, and have no damage
 - Equipment⁴ that is installed correctly and securely to minimise driver distraction
 - Safety equipment a driver might need to suit weather and road conditions, for example snow chains and fire blankets.
-

Technical equipment

Equipment in your vehicle must:

- Meet relevant Commercial Passenger Vehicle specifications
 - Where applicable, ensure vehicle camera devices:
 - » Comply with required standards, including minimum data retention periods and technical specifications
 - » Are installed correctly
 - » Operate correctly.
-

4. Such as cameras, wheel chair lifts, dispatch devices and GPS

Wheelchair accessible vehicle obligations

You are responsible for ensuring that any vehicle designated as accessible is properly equipped and maintained. You must:

- Make sure the vehicle meets the rules for what is considered a 'wheelchair-accessible commercial passenger vehicle'
 - Make sure the equipment such as wheelchair lifts, seatbelts, and restraints are installed and keep in good condition according to the manufacturer's instructions
 - Make sure the vehicle has a current Vehicle Assessment Signatory Scheme (VASS) approval.
-

Hazard: Inadequate reporting and communication protocols

Meaning

If important vehicle inspection details and safety procedures are not clearly shared, drivers may not know about safety problems.

This can make driving unsafe and increase the risk of accidents for drivers and other road users.

Your responsibilities

Safety issues

You have an ongoing responsibility to respond to safety issues. This includes:

- Fixing any vehicle safety issues you are told about or find, before the vehicle is used again.
-

Keep drivers updated

You should let your drivers know:

- How to report safety issues to you, and let them know when the issue has been resolved
 - When the vehicle was last inspected, and whether it passed the inspection.
-

Reporting

You must report:

- Any notifiable⁵ incident to ST Vic as possible, and within the required reporting time after becoming aware of it
 - Record notifiable incidents in your risk register.
-

5. Notifiable incidents are outlined in the Commercial Passenger Vehicle Industry Act 2017

Hazard: Inappropriate or unqualified drivers

Meaning

Allowing unqualified or inadequately trained drivers to use your vehicle may create safety risks.

Your drivers must have the correct licenses and endorsements, and adequate information to operate the vehicle safely.

Your responsibilities

Driver qualifications and checks

You must ensure your drivers:

- Are accredited to operate a CPV
- Hold the correct driver license and any required endorsement for the type of vehicle they drive⁶
- Have a Working With Children Check (WWCC) if they regularly transport passengers under 18 years old who are not accompanied by an adult⁷
- Know how to seek advice from their booking service provider or WWCC Victoria if they are unsure.

Driver safety information and training

You must provide your drivers with the safety information, training or guidance. This could include how to:

- Use in-vehicle equipment safely and correctly, including vehicle controls and features, and equipment such as wheelchair lifts or hoists where applicable
- Use the vehicle for its intended purpose
- Operate the vehicle safely
- Know how to check a vehicle is safe before using it.

6. Ensure all drivers have a Wheelchair Accessible Vehicle (WAV) endorsement if providing WAV services.

7. Examples include: 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

4. BOOKING SERVICE PROVIDERS (BSPS)

4.1 What do BSPs need to do?

BSPs must implement systems to ensure drivers associated with their service operate safely.

Under the *Commercial Passenger Vehicle Industry Act 2017*, BSPs must, so far as is reasonably practicable, ensure that services provided by associated drivers are safe.

This means BSPs must identify and manage safety risks linked to the services provided by their drivers. They should also keep records of safety hazards and the actions taken to reduce or remove those risks.

This includes processes to manage:

- Fatigue
- Drug and alcohol testing
- Vehicle maintenance
- Emergency management
- Driver behaviour
- Driver competency
- Driver medical fitness.

This section gives simple guidance for BSPs on how to follow their legal duties, including making sure, as much as reasonably possible 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.

4.2 BSPs may choose one of two approaches

- a **hazards-based approach**, or
- a **risk-assessment approach**.

The approach you choose determines how you identify and manage safety risks.



Hazards-based approach (4.3)

The hazards-based approach in [section 4.3](#) identifies common safety hazards and outlines suitable risk controls.

If you choose this approach, you should set up simple systems and steps to manage the risks in this section, and use the right controls to show you are meeting your responsibilities.

Risk-assessment approach (5)

The risk-assessment approach in [section 5](#) requires BSPs to identify hazards relevant to their own operations and assess the level of risk they create.

If you choose this approach, you must:

- Identify hazards relevant to your operations
- Assess the risks they create
- Implement appropriate controls and processes to manage those risks
- Review and monitor the risks regularly.

Risk register

Regardless of the approach you choose, you must create and maintain a record of the hazards and risks relating to your CPV services (a **risk register**).

Your risk register must include:

- A description of each hazard and the risk it creates
- The actions taken to eliminate or reduce the risk
- The person responsible for managing the risk.

4.3 Hazards-based approach

This section outlines common hazards and the responsibilities BSPs have to manage these risks, including:

- Inadequate reporting protocols
- Poorly maintained vehicle and drivers neglecting safety checks
- Poorly maintained equipment
- Inappropriate or unqualified drivers
- Impairment and fatigue
- Inappropriate conduct and violence from passengers
- Unsafe driving behaviors and poor awareness of environmental factors.

When following this approach, you should consider implementing systems, processes, or other forms of record-keeping to show how you manage these hazards, and record this in your risk register.

- To manage the safety risks on an ongoing basis, you should:
 - » monitor and review these systems regularly.
- This could include:
 - » regular consultation with your drivers, vehicle owners or other safety duty holders
 - » conducting internal audits

- » undertaking other reviews of your organisation's practices.

Hazard: Inadequate reporting protocols

Meaning

BSPs have a complex operating environment with various staff, suppliers and customers, and must develop and maintain a register of safety risks.⁸

Failure to maintain appropriate reporting procedures can affect a BSP's ability to manage and monitor risks, which may impact the safety of drivers, passengers and other road users.

Your responsibilities

- Establish a complaints management system to ensure every relevant complaint is investigated promptly
- Respond to passenger complaints about vehicle safety
- Report notifiable⁹ incidents to ST Vic as soon as possible, and within the required timeframe
- Add newly identified risks to your risk register
- Report drivers affiliated with your BSP to ST Vic where required.

You must also ensure systems and processes are in place to manage emergency events (for instance, police response or medical related incidents).

Hazard: Poorly maintained vehicle

Meaning

Neglecting vehicle maintenance may create safety hazards for drivers, passengers and road users, which could lead to mechanical failure and increased crash risk.

BSPs have a shared responsibility for ensuring that vehicles associated with their CPV services are safe.

Your responsibilities

Vehicles are maintained and regularly inspected

BSPs must develop, implement and audit a system for the maintenance and inspection of vehicles. The system should include:

- A process to fix, or ensure the vehicle owner fixes, any vehicle safety issues they are informed about or identify before the vehicle is used again
- A process on how vehicle repairs or servicing are completed by a qualified professional and that vehicles are serviced regularly
- A process outlining how basic checks or maintenance work are carried out by competent persons

8. Required per *Commercial Passenger Vehicle Industry Regulations 2018*, Part 2 Division 1 No.5

9. Notifiable incidents are outlined in the *Commercial Passenger Vehicle Industry Act 2017*

Vehicle are registered and roadworthy

BSPs should ensure required vehicle inspections and registrations are up to date, including:

- Only allocating bookings to drivers operating roadworthy vehicles
 - Only allocate trips or bookings to vehicles that are:
 - » have current CPV registration with ST Vic
 - » have successfully completed an ST Vic-approved vehicle inspection as required for registration.
-

Manufacturer safety requirements are maintained

BSPs should also ensure vehicles comply with manufacturer safety requirements, including if a manufacturer issues a safety recall, that they do not allocate trips or bookings to the vehicle until the recall has been addressed.

Risk and controls: Drivers neglecting safety checks

Risks	Vehicle faults may go unnoticed if drivers do not inspect vehicles before driving.
Controls	Ensure drivers carry out safety checks before starting a trip, including: <ul style="list-style-type: none">• Checking the vehicle is safe to operate• Ensuring required safety features are turned on at the start of the booking.

Hazard: Poorly maintained equipment

Meaning	Failure to install and maintain required equipment can pose safety hazards for drivers and passengers. This includes safety and accessibility equipment such as approved cameras, ensuring the equipment operates correctly and that access to stored footage and images is properly managed.
----------------	---

Your responsibilities	Equipment is safe and installed correctly <ul style="list-style-type: none">• Ensure equipment is installed securely so it cannot dislodge• For unbooked CPV services, ensure the vehicle is fitted with number plates issued with written authority from ST Vic identifying it as authorised to provide those services• Ensure vehicles carry any safety equipment required for weather or road conditions (for example, snow chains)• Where camera equipment is required, ensure all safety duty holders comply with relevant standards, including minimum retention periods and technical specifications.
------------------------------	--

Wheelchair Accessible Vehicles (WAVs) and accessibility equipment is installed and maintained

BSPs must ensure any vehicle designated as accessible is properly equipped and maintained, including:

- Where required, ensure the vehicle is fitted with an electronic transaction terminal to process MPTP transactions
 - Where required, ensure the vehicle has tactile registration number signs fitted to the exterior of passenger doors forward of, and level with, the door handles
 - Maintain equipment such as wheelchair lifts, restraints and seatbelts in accordance with manufacturer standards
 - Ensure the vehicle complies with ST Vic Wheelchair Accessible Vehicle (WAV) specifications.
-

Allocating wheelchair bookings

When allocating wheelchair bookings, BSPs must ensure:

- All WAV equipment, including lifts, hoists, seatbelts and restraints, is operating correctly
 - The vehicle meets all requirements to operate as a wheelchair accessible vehicle (WAV), including carrying appropriate restraints for each wheelchair position and ensuring they are in good working order (for example, free from fraying)
 - Drivers hold a WAV endorsement and meet all requirements of that endorsement
 - Drivers carry appropriate restraints for each wheelchair position and ensure they are in good working order.
-

Hazard: Inappropriate or unqualified drivers

Meaning

Allowing unqualified or unfit drivers, including those without a valid driver's licence, endorsement or required medical fitness, increases safety risks for passengers and other road users. This could lead to crashes, injuries, and legal or reputational consequences if drivers are unable to operate vehicles safely.

Your responsibilities

Driver accreditation and eligibility

- Check the ST Vic public register and only allocate bookings to accredited drivers and registered vehicles
 - Confirm a driver's identity before they provide CPV services
 - Ensure drivers hold a WAV endorsement before allocating wheelchair bookings.
-

Driver health and wellbeing

- Ensure drivers understand they should not drive if they are unwell or have a contagious illness
 - Maintain, where possible, a general awareness of drivers' wellbeing
 - Provide appropriate support to drivers when needed.
-

Relevant drivers have a Working With Children Check (WWCC)

- Ensure drivers obtain a Working With Children Check (WWCC) if they regularly transport passengers under 18 who are not accompanied by an adult¹⁰
 - Ensure drivers know to seek advice from you or WWCC Victoria if they are unsure about their obligations.
-

Relevant safety information, training or guidance is provided to drivers so they:

- Are appropriately trained and endorsed for the vehicles they operate and the services they provide
 - Only drive vehicles they are licensed to drive
 - Understand and can follow safety policies and procedures for example when lifting luggage or other passenger items.
-

Provide adequate monitoring and compliance

- Monitor driver compliance with instructions and safety guidelines
 - Take appropriate action where non-compliance occurs (for example, stop allocating bookings or provide additional training)
 - Escalate action if non-compliance continues.
-

Hazard: Impairment

Meaning

Driving under the influence of drugs, alcohol, or other substances impairs a driver's ability to operate a vehicle safely and endangers passengers and other road users.

You must have a drug and alcohol testing system and may undertake show-cause or post-incident drug and alcohol tests.

Your responsibilities

Drivers must be aware that they:

- Cannot use illegal drugs
 - Cannot drive while impaired by any legal or illegal drugs
 - Must have a 0.00 blood alcohol reading when providing services.
-

Risk and controls: Driver fatigue

Risk

Fatigue reduces reaction times, impairs judgement and increases the risk of microsleeps, which can lead to crashes due to delayed or absent braking. Fatigue can occur when drivers work long shifts, have insufficient rest or irregular schedules, and can endanger drivers, passengers and other road users.

10. Examples include where a BSP advertises and provides child transport services or where a driver regularly transports children who are not accompanied by an adult to or from school or other social activities.

Controls

Ensure systems are in place to manage driver fatigue, including:

- Implement policies and systems to monitor driving hours and enforce break schedules
- Ensure drivers understand they must take regular breaks
- Ensure drivers do not drive while impaired by fatigue or drowsiness
- Consider the time between shifts when allocating bookings and recognise that drivers may have second jobs, including other personalised transport services.

Hazard: Inappropriate conduct

Meaning

Failure of drivers to maintain professional conduct and communication with passengers can create serious hazards, putting passengers' physical and personal safety at risk.

This includes harassment, discrimination, or violations of personal boundaries. Such behaviour can lead to legal consequences, damage to the reputation of the driver, vehicle owner and BSP, the creation of a hostile environment for passengers, and potential criminal investigations.

Your responsibilities

Respectful and professional conduct from drivers

Drivers must:

- Assist passengers where necessary while respecting passengers' personal space and avoiding unnecessary physical contact
- Provide reasonable assistance to passengers with disability or limited mobility
- Allow assistance animals in the vehicle and assist the passenger and their animal where needed
- Use a vehicle that is suitable for the booking that was made.

Professional behaviour in the vehicle

Drivers must understand that the vehicle is a workplace and therefore should:

- Avoid using offensive, inappropriate or discriminatory language
- Not follow passengers after they exit the vehicle
- Not request passengers' personal contact details
- If a passenger's contact details are obtained while providing CPV services, not use those details for any other purpose
- Avoid inappropriate discussions, including discussions about sex, dating or passengers' relationship status.

Sexual conduct

Drivers should understand that:

- Non-consensual sexual conduct is a criminal offence and BSPs should report any instances to police immediately upon notification
- Consensual sexual conduct with passengers is inappropriate and may result in ST Vic suspending or cancelling driver accreditation.

Risk and controls: Violence from passengers

Risk

Drivers may face violence or aggression from passengers, particularly when dealing with impaired, aggressive or fare-evading passengers. This can result in assault, injury or threats to the safety of drivers, passengers and other road users.

Controls

Ensure drivers prioritise their personal safety and know how to respond to threatening situations, including:

- Notify police if there is an immediate threat to the safety of a driver or passenger
- Encourage drivers to prioritise their own safety, for example by refusing entry to unsafe passengers or removing themselves from aggressive situations.

Drivers should also understand they can:

- Call 000 in an emergency or if they feel unsafe or in danger
- Refuse entry to a passenger if they feel unsafe
- Refer fare evaders to the police
- Remove themselves from aggressive or violent situations
- Avoid keeping valuable items or large amounts of cash in the vehicle.

Hazard: Unsafe driving behaviour endangering drivers, passengers and other road users

Meaning

Complacency, illegal activity, and insufficient knowledge of road rules can lead to risky driving behaviour, increasing the risk of crashes, injuries and fatalities, and endangering drivers, passengers, pedestrians and other road users.

Risky behaviour includes actions such as speeding, or distraction due to technology (e.g. phones or navigational equipment), passengers or stress.

Your responsibilities

Safe driving practices

Ensure you have systems in place that guide drivers to:

- Know how to operate the vehicle's controls and safety features
- Not exceed speed limits
- Use safe pick-up and drop-off locations
- Avoid distractions from dispatch systems, mobile phones, navigation aids or other equipment
- Follow all road rules.

Risk and controls: Environmental factors

Risk Poor awareness of environmental factors such as bad weather, traffic (including pick-up and drop-off areas), and wildlife can result in crashes, injuries and fatalities.

Controls Provide systems to educate drivers on how to adapt their driving to environmental conditions, including driving to road, weather and traffic conditions.

Risk and controls: Emergency management

Risk Emergency events such as public health incidents, police incidents or cybersecurity threats may affect the safety of drivers, passengers and BSP operations if they are not reported, managed or reviewed appropriately.

Controls Ensure systems and processes are in place to respond to and manage emergency events, including:

- Reporting incidents promptly
- Reviewing incidents to identify safety improvements
- Implementing measures to prevent similar incidents occurring in the future.

5. RISK ASSESSMENT APPROACH

5.1 Step 2 – Assess risks

Assessing risk means understanding how a hazard could cause harm or loss, how serious the outcome could be, and how likely it is to happen.

When to conduct a risk assessment

You must conduct a risk assessment whenever:

- A new hazard is identified, or a new CPV activity begins
- There is uncertainty about how a hazard may result in harm or loss
- The controls are not well known or understood
- A safety duty holder (whether that is you or your driver) is unsure how best to control the risk
- Changes occur that may affect the effectiveness of existing controls.

Questions to consider

How could harm occur?

- How could a driver be injured or harmed?
- How could a passenger, member of the public or other road user be injured or harmed?
- How could a vehicle be damaged?
- How could the environment be affected?

How serious could the outcome be?

- Could the hazard cause death, serious injury, or only minor injuries requiring first aid or medical treatment?
- How many people could be exposed to the hazard?
- Could the hazard result in significant cost or disruption, or only minor impacts?
- Could a small event escalate into a more serious incident?

How likely is the harm to occur?

- How often is the task carried out? Does this increase or reduce the likelihood of harm?
- How often are people exposed to the hazard?
- Has the hazard caused incidents before, either in CPV services or elsewhere?

Examples

The following examples show how a hazard may be considered when assessing risk.

Example: How harm could occur

- If a vehicle is not maintained to the required standard, the brakes may not function correctly and the vehicle could be involved in a collision
- This may damage the vehicle
- It could also result in injury to the driver, passengers, pedestrians or people in other vehicles
- Often one risk can lead to another, so it is important to consider the chain of events that could result from a hazard.

Example: How serious the harm could be

- If a vehicle's brakes fail, how seriously could the driver or passengers be injured?
- Could poorly installed equipment inside or on the vehicle create a distraction that results in a collision?
- Could equipment inside the vehicle cause additional injury during a crash?

Example: How likely the harm is to occur

- When estimating likelihood, consider the controls already in place to manage the risk
- For example, if vehicle brakes are inspected based on distance travelled rather than a time-based inspection schedule, the likelihood of brake failure may be reduced.

What you must do

You must assess risks by considering:

- The potential severity of harm or loss that could result from the hazard
- how likely it is that the harm or loss could occur
- the controls already in place to manage the risk.

When assessing risk, consider whether existing controls reduce the likelihood or severity of harm.

Guidance: Rating likelihood

When assessing risks, estimate how likely it is that harm could occur.

Likelihood can be rated using the following scale:

Certain – expected to occur in most circumstances

Very likely – will probably occur in most circumstances

Possible – might occur occasionally

Unlikely – could occur at some time

Rare – may occur only in exceptional circumstances

5.2 Step 3 – Control risks

Once a risk has been identified and assessed, you must implement the most effective control that is reasonably practicable in the circumstances.

What this step means

You must assess the available control measures and select the most appropriate controls, or develop your own controls where needed.

The controls implemented will depend on:

- Your role in providing CPV services
- The size and nature of the CPV activities
- The outcomes of the risk management process
- What your BSP is able to do, or facilitate, to eliminate or minimise safety risks.

Questions to consider

When selecting controls, consider:

- Can the hazard be eliminated entirely?
- If not, what controls could reduce the risk?
- Are there engineering controls that could make the hazard safer?
- Can administrative controls reduce the likelihood of harm (such as procedures, training or scheduling)?
- Is personal protective equipment required?
- Are the controls practical and effective for the type of CPV activity being undertaken?

Actions to take

You must assess, select and implement controls to manage identified risks.

Controls must be applied in line with the hierarchy of control (below), which prioritises the most effective measures first.

The hierarchy of control includes:

- Eliminate the risk
- Reduce the risk through engineering controls
- Reduce the risk through administrative controls
- Use personal protective equipment.

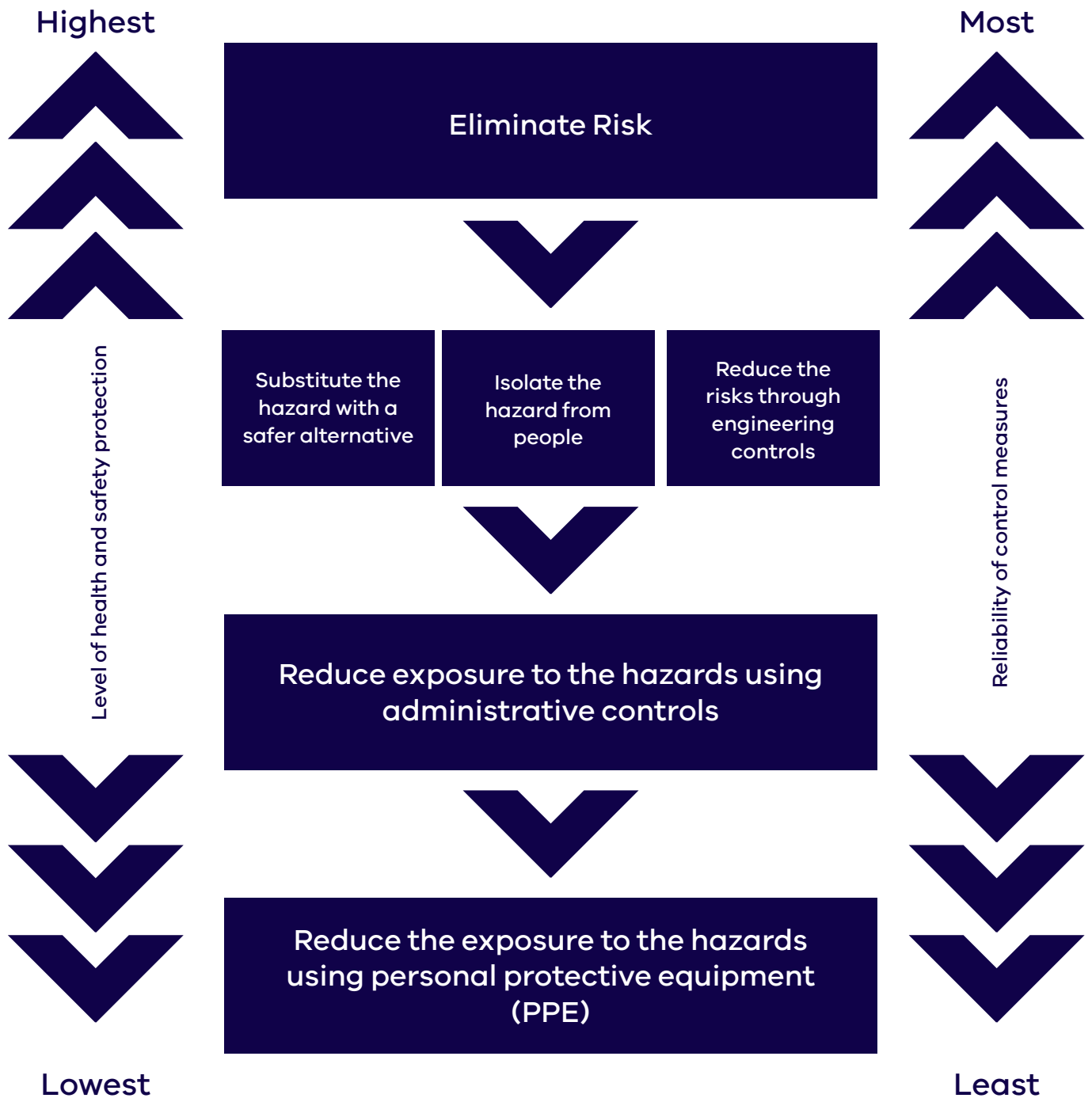
Where possible, higher-level controls should be used before relying on lower-level controls.

What you must do

If new or updated controls are introduced, you should:

- Document policies and procedures describing the controls implemented
- Provide training, instruction and information on how controls must be used
- Provide supervision to ensure controls are applied correctly
- Regularly review controls to ensure they remain effective.

5.3 Hierarchy of control identification



5.4 Step 4 – Monitor and review controls

Controls must be monitored and reviewed over time to ensure they remain effective and continue to manage risks as intended.

Your organisation should have monitoring and performance review processes in place to ensure controls remain effective.

Action 1: Monitor controls

As part of the risk management process, you must monitor the controls you have implemented to verify they are working as planned.

Controls can be monitored by:

- Encouraging drivers and vehicle owners to provide feedback on how effective controls are, or if circumstances have changed
- Observing controls in practice to check they are being applied correctly
- Reviewing and analysing information that may indicate how well controls are working
- Using key performance indicators to measure the effectiveness of controls and identify opportunities for improvement.

Action 2: Review risks and controls

You must periodically review risks to ensure:

- Circumstances have not changed
- New hazards have not emerged
- Controls remain effective.

Review frequency should reflect the level of risk, with higher risks reviewed more frequently.

Examples

Monitoring and review activities may include:

- Conducting walkarounds with drivers while they complete daily vehicle inspections, to observe how controls are applied in practice
- Using GPS tracking data to monitor driver behaviour, such as adherence to speed limits or safe driving practices
- Analysing inspection and maintenance records, including the number or percentage of vehicle inspections that pass or fail and the reasons why.

The same methods used during hazard identification can also be used to review the effectiveness of controls.

If problems are identified, you should repeat the risk management process and reassess the hazards and risks, starting with Step 3, to determine whether controls need to be modified or replaced.

If controls are not effective

If a control is not effective, not working as intended, or creates additional risks, it should be modified or replaced.

This may include identifying:

- Risk owners with the authority and accountability to manage risks
- The responsibilities of people at all levels involved in risk management activities.

5.5 Example: Applying the risk management process

Step	What to do	Example
Step 1 Establish context	Describe the activity and identify the safety duty holders involved. This may include the driver, vehicle owner, equipment used, service provider and BSP.	A driver has an agreement with a vehicle owner to use a vehicle to provide commercial passenger vehicle services. The driver also has an agreement with a BSP to provide services through their booking network.
Step 2 Identify hazards	Identify anything that could potentially cause harm or loss.	Tyre wear and tear occurring through normal use.
Step 3 Assess risks	Consider how the hazard could cause harm or loss and review existing controls that may eliminate or minimise the risk.	The vehicle may fail to stop within the expected stopping distance, or the driver may lose control at speed, causing the vehicle to collide with a pedestrian, another vehicle or road infrastructure. The driver, passengers or other road users could be seriously injured or killed.
Step 4 Control risks	Eliminate the risk where possible. If elimination is not possible, implement controls to minimise the risk so far as is reasonably practicable.	<p>Driver:</p> <ol style="list-style-type: none"> 1. Inspects the vehicle before use, or daily, to ensure it is in a safe and serviceable condition 2. Maintains records of inspection activities. <p>Vehicle owner:</p> <ol style="list-style-type: none"> 1. Provides a vehicle that is safe and serviceable 2. Has systems to ensure the vehicle is maintained and faults are reported and addressed 3. Maintains records of maintenance and assurance activities. <p>BSP:</p> <ol style="list-style-type: none"> 1. Has systems in place to ensure the driver and vehicle owner are maintaining the vehicle in a safe and serviceable condition 2. Maintains records of assurance activities to demonstrate compliance.
Step 5 Monitor and review controls	Regularly monitor and review the controls to ensure they remain effective.	The vehicle is inspected by the vehicle owner, the BSP or a third party at regular intervals to confirm it remains safe and serviceable. Data from vehicle inspections is analysed to ensure the controls remain effective.

6. LEGAL FRAMEWORK

6.1 Safety duties under the CPVI Act

Under the [Commercial Passenger Vehicle Industry Act 2017](#) (Vic) (CPVI Act), vehicle owners, booking service providers (BSPs), and drivers each hold explicit safety duties. Of relevance to this Code are Division 3 — Safety Duties, S23, S24, and S27.

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.

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.

27 Duties of drivers providing commercial passenger vehicle services

- 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 Commercial Passenger Vehicle Industry Regulations 2018 (regulations).

6.2 Safety principles that guide this Code

Under the CPVI Act, there are a number of principles underlying the regulation of commercial passenger vehicle safety. Of relevance to this Code are s16 and s17 outlined below.

16 Principle of shared responsibility

- 1) Commercial passenger vehicle safety is the shared responsibility of:
 - a) owners of motor vehicles used to provide commercial passenger vehicle services; and
 - b) drivers of motor vehicles used to provide commercial passenger vehicle services; and
 - c) booking service providers; and
 - d) persons who have control over the provision of commercial passenger vehicle services; and
 - e) suppliers of services and equipment to the commercial passenger vehicle industry; and
 - f) the regulator; and
 - g) members of the public.
- 2) The level and nature of responsibility that a person referred to in subsection (1), or a person within a class of persons referred to in subsection (1), has for commercial passenger vehicle safety is dependent on:
 - a) the nature of the risk to commercial passenger vehicle safety that the person creates from the carrying out of an activity or the making of a decision; and
 - b) the capacity that that person has to control, eliminate or mitigate that risk or any other risk to commercial passenger vehicle safety.

17 Principle of accountability for managing safety risks

Managing risks associated with the provision of commercial passenger vehicle services is the responsibility of the person best able to control the risk.

6.3 What is “reasonably practicable”?

The CPVI Act adopts a required standard to discharge safety duties as ‘so far as is reasonably practicable’ for safety duty holders (section 22 (2)). The definition of reasonably practicable is explained in Division 2 of the CPVI Act:

- 1) To avoid doubt, a duty imposed on a person under this Act or the regulations to ensure, so far as is reasonably practicable, safety, requires the person to:
 - a) eliminate risks to safety so far as is reasonably practicable; and
 - b) if it is not reasonably practicable to eliminate risks to safety, to reduce those risks so far as is reasonably practicable.
- 2) To avoid doubt, for the purposes of this Part or regulations made for the purposes of this Part regard must be had to the following matters in determining what is (or was at a particular time) reasonably practicable in relation to ensuring safety:
 - a) the likelihood of the hazard or risk concerned eventuating;
 - b) the degree of harm that would result if the hazard or risk eventuated;
 - c) what the person concerned knows, or ought reasonably to know, about the hazard or risk and any ways of eliminating or reducing the hazard or risk;
 - d) the availability and suitability of ways to eliminate or reduce the hazard or risk;
 - e) the cost of eliminating or reducing the hazard or risk.

