



VICTORIA POLICE

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Coroner Audrey Jamieson
Coroners Court of Victoria
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By email only: team7@courts.vic.gov.au

Subject: Nitin Haldipur Prabhu - Finding into Death without Inquest
Court Reference: COR 2024 000595
Date of Findings: 14 July 2025

Dear Coroner Jamieson,

This document provides a response to your two recommendations to Victoria Police, arising from the Finding into the Death of Nitin Prabhu without Inquest, delivered on 14 July 2025.

Victoria Police's response to the recommendations is set out below.

Recommendation (i)

*With the aim of improving public health and safety and preventing like deaths, I recommend that **Victoria Police** obtain a dynamometer capable of testing e-bicycles and similar vehicles to determine whether they comply with Victorian regulations, including in instances where those vehicles are substantially damaged in an incident.*

This recommendation is presently unable to be implemented and requires further consideration.

The acquisition of a dynamometer has two discernible purposes:

1. To determine whether e-bicycles and similar vehicles comply with Victorian Regulations in the course of routine enforcement activities (**proactive**); and
2. To determine whether e-bicycles and similar vehicles comply with Victorian Regulations once they have been substantially damaged in an incident (**reactive**).

The objective of both proactive and reactive testing is to gather admissible evidence to use in the prosecution of offences. Proactive testing would be expected to be used in prosecution of minor breaches of road traffic laws and reactive testing would be used in high severity cases, such as culpable driving causing death. This distinction between the two purposes is important because the availability of a testing device and the logistics required to have a vehicle tested would be different for both.

A) Proactive testing

In proactive testing, a dynamometer would need to be readily accessible to the investigating officer, or the officer would need to be able to compel the vehicle owner to produce the vehicle for further

testing by VicRoads, as is the case with registered motor vehicles. This statutory power and the challenges associated when applying to e-bicycles, are discussed below.

- i. Section 13 of the *Road Safety Act 1986* (Vic) provides the authority for an authorised officer, including a police officer, to require the production of a [motor vehicle](#) (or [trailer](#)) for inspection at the place specified in a notice within 7 days after service of the notice on that person. The penalty for failing to do so is 5 penalty units (\$1,017.00).
- ii. Where a required person complies with such a direction, an inspection may determine that an e-bicycle is non-compliant and is in fact a motor vehicle, which would allow for the prosecution of relevant offences.
- iii. However, where a person refuses to comply with this requirement, police members would be unable to prove the validity of their requirement under s 13, as there would be no evidence that the vehicle required for inspection was in fact a motor vehicle; a key requirement under s 13.
- iv. Only the inspection could establish this requirement. This presents a circular challenge, which may require legislative reform.

Proactive enforcement of illegal e-bicycles is achievable without a dynamometer. Victoria Police members currently use a range of techniques which include:

- i. Detecting the speed of an e-bicycle across flat ground – Any e-bicycle sustaining a speed in excess of 25km/h is legally non-compliant and this evidence is sufficient to prosecute.
- ii. Observing whether an e-bicycle is primarily powered by pedalling – Where the pedals have been removed or the rider is observed to be travelling at a speed in excess of 6km/h, the e-bicycle is legally non-compliant, and this evidence is sufficient to prosecute.
- iii. Inspecting the e-bicycle's motor power output placard or user manual – Where a non-compliant e-bicycle is shipped/sold with motor(s) in excess of the prescribed limit sufficient evidence may be available to prosecute, although this is a less reliable method.

B) Reactive testing

In regards to the reactive testing of e-bicycles involved in serious criminal offences, police would rely on common law powers to seize and examine the device. These types of cases are rare and occur five or six times each year therefore, a centralised location for examination may be sufficient. This would alleviate the need for testing devices to be portable however, there would be logistical challenges for officers located in rural Victoria who require timely examination of damaged e-bicycles. Any testing device would also need to meet the standards set by the National Association of Testing Authorities.

Presently, reactive testing would require investigators to seek expert advice from a specialised third party, as is the case when investigators require examination of heavy vehicles. In these cases, Victoria Police members rely on the expertise and equipment of the National Heavy Vehicle Regulator.

Victoria Police intend to lead activities to further consider the recommendation and whether any implementation of dynamometer testing of e-bicycles is possible. Specific engagement will occur with external stakeholders at Transport Victoria (Department of Transport and Planning) and suppliers of portable dynamometers, such as those seen in European jurisdictions. Internal stakeholders at the Forensic Services Department and Operational Infrastructure Department will be consulted to ensure that any equipment is fit for purpose and can service the whole organisation. Victoria Police are considering whether the acquisition of a dynamometer is required or whether testing of damaged e-bicycles can be outsourced to a specialised third party.

Recommendation (ii)

*With the aim of improving public health and safety and preventing like deaths, I recommend that representatives of **Victoria Police**, the **Victorian Department of Transport** and of **VicRoads** convene to discuss the issue of non-compliant e-bicycles. Specifically, this conference ought to be used to consider methods to identify non-compliant e-bicycles, including those which may seem radical – such as requiring the registration of all e-bicycles.*

Victoria Police supports this recommendation. On 9 September 2025, the Road Policing Strategy Unit from Victoria Police met with the Department of Transport and Planning to discuss the issue of non-compliant e-bicycles, including methods of identifying non-compliant e-bicycles.

In practice non-compliant e-bicycles are most commonly identified following the detection of another traffic offence (e.g. disobey red traffic control signal). While the law is clear that non-compliant e-bicycles are required to be registered as motor vehicles, identification remains a barrier. Given the variety of models and rapid growth of the market, it is difficult for general duties and other frontline police members to detect non-compliant e-bicycles. Police members can use secondary identifiers of non-compliance, including the use of non-compliant helmets and other visible modifications, to support their decision-making and strengthen enforcement outcomes. However, Victoria Police recognises the need to uplift member capability in this area by developing methods of identification that are simple, reliable, and capable of withstanding court scrutiny. Specialist testing equipment such as a dynamometer has been considered but identified as not suitable for roadside enforcement, as discussed above.

Victoria Police supports ongoing interagency engagement on the subject of e-bicycles within the existing architecture of the Victorian Road Safety Partnership, comprised of the Department of Transport and Planning, the Department of Health, the Department of Justice and Community Safety, Victoria Police, and the Transport Accident Commission. The Assistant Commissioner for Road Policing Command, Mr Glenn Weir APM and the representatives of Melbourne's food delivery companies, who subcontract delivery riders on e-bicycles, will be meeting in early October where Victoria Police intends to reaffirm the safety imperative behind e-bicycle compliance, and exchange information relating to the barriers and enablers of e-bicycle compliance.

In response to requiring the registration of all e-bicycles, Victoria Police will defer to the response of the Department of Transport and Planning – as the Victorian motor vehicle licencing and registration agency.

Yours sincerely,



Mike Bush CNZM
Chief Commissioner

10/10/25.