



Department of Transport and Planning

GPO Box 2392
Melbourne, Victoria 3001 Australia

Your ref: COR 2022 005630

Our ref: LEX 12884

Sofia Hajdari
Coroner's Registrar
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

By email only: cpuresponses@coronerscourt.vic.gov.au, team10@courts.vic.gov.au

Dear Registrar

INQUEST INTO THE DEATH OF MOUSTAFA ABOUEID – RESPONSE TO CORONER'S RECOMMENDATION

I refer to your email of 6 August 2025 to the Department of Transport and Planning (Department) regarding Coroner Lawrie's Finding following inquest (Finding) concerning the death of Moustafa Aboueid.

The Department extends its sympathy to the family and friends of Mr Aboueid.

The Coroner's recommendation

Pursuant to section 72(2) of the *Coroners Act 2008* (Vic), Coroner Lawrie made the following recommendation in the Finding that is directly relevant to the Department:

"Recommendation 2

That the Victorian Minister for Transport and Planning seek to introduce amendments to Part 6A of the Road Safety Act 1986 to provide for the forfeiture of high power / high speed e-scooters that do not fall within the exemption to not be a motor vehicle within the meaning of the Road Safety Act 1986, if used on a public road or road related area."

The Coroner's recommendation is under consideration, and further work is ongoing.

The Department supports the intention of this recommendation. E-scooters are currently illegal to use on public roads or road related areas if they are capable of a speed over 25 km/h, because they are unsafe. The Department agrees that strong measures are needed to reduce the presence and use of high-speed e-scooters and e-bikes within the community.

When private e-scooters capable of travelling up to 25 km/h were legalised for use in Victoria in October 2024, this was accompanied by a range of safety based regulations (details are available at <https://transport.vic.gov.au/road-and-active-transport/active-transport/e-scooter-road-rules>), including increased penalties and regulations intended to reduce safety risks for riders and other road users. The Transport Accident Commission also delivered a safety campaign designed to explain the rules and dangers of misuse of e-scooters (information about the campaign is available at <https://www.tac.vic.gov.au/about-the-tac/media-room/news-and-events/2024/new-campaign-shows-e-scooters-not-to-be-toyed-with>).

Users of high-speed e-scooters face a penalty of \$1,018 for driving an unregistered motor vehicle. However, the ability of Victoria Police to positively identify a high-speed e-scooter or e-bike to the required standard of proof is difficult. Meanwhile, it is easy to access high-speed e-scooters through popular retail outlets. Such devices are able to be lawfully sold because they can legally be used on private property, despite clearly being designed for use on public infrastructure (such as roads and share paths).

Due to the unregulated sale of dangerous devices and difficulties in post-sale enforcement, the Department is working to address the issue at the source, working in collaboration with the Commonwealth and other jurisdictions to prevent the sale of non-compliant and unsafe high-speed devices before they make it onto the road network. This is in line with the Coroner's first recommendation aimed at the Commonwealth that seeks national controls on the supply and sale of high-speed e-scooters.

The Victorian Minister for Public and Active Transport, together with the New South Wales Ministers for Transport and Roads, have written to the Commonwealth seeking their support to ensure that devices imported, sold and used in Australia are safe, fit for purpose and compliant with speed capability requirements.¹

In parallel, Victoria has been advocating through the Infrastructure and Transport Ministers' Meeting for a nationally consistent regulatory framework for e-mobility devices to address safety concerns and improve outcomes for both riders and pedestrians. Ministers agreed at the August 2025 meeting to work together to develop an integrated regulatory framework to be led by Western Australia, with support from the National Transport Commission and all other jurisdictions.²

One of the key initiatives Victoria is advocating for is the development of a national product safety standard, which would significantly reduce public access to unsafe and non-compliant devices by making it unlawful for retailers to sell products that do not meet Australian safety or performance requirements (such as a powered speed cap of 25 km/h). It could also require clear identification showing that a device meets the requirements, which would aid police in identifying what devices are legal.

The Coroner's recommendation could complement this work, focusing on post facto enforcement—that is, enabling the forfeiture of illegal devices to remove them from circulation once they are already in the community.

Victoria Police has advised that identifying non-compliant or modified devices can be difficult, as visual inspection alone is often insufficient to confirm whether a device complies with prescribed technical limits. Accordingly, further work is required with Victoria Police to better understand enforcement and evidentiary challenges, and to explore how any new forfeiture power could operate in practice.

Some steps have already been taken to enhance enforcement capability. The Government recently amended the *Road Safety Act 1986* (RSA) to authorise law enforcement officers to

¹ <https://bicyclenetwork.com.au/wp-content/uploads/2025/07/Letter-to-the-Hon-Dr-Daniel-Mulino-MP-E-micromobility-devices.pdf>

² <https://www.infrastructure.gov.au/sites/default/files/documents/itmm-communique-11-august-2025.pdf>

use prescribed speed detection devices for e-scooter offences. This enables Victoria Police to better detect and take action against private devices exceeding the legal speed limit. However, a single speed reading may not provide sufficient proof that a device is inherently non-compliant, and factors such as road gradient (slope) or even wind need to be considered as factors outside electric propulsion. As such, speed detection alone may not meet the high evidentiary threshold required to justify forfeiture.

Under sections 84F, 84G, 84H and 84I of the RSA, Victoria Police officers have the power to seize, require surrender, impound or immobilise a vehicle used in certain offences, including where the rider is found to have a high blood-alcohol concentration (BAC), speeding excessively or otherwise driving in a dangerous manner. The Department also notes that existing provisions in the RSA provide for the forfeiture of certain vehicles in certain circumstances, such as miniaturised motorcycles ("monkey bikes"). The Department is giving consideration to the extent to which existing mechanisms can be used or adapted to capture illegal e-scooters, as opposed to introducing an entirely new legislative mechanism.

Victoria Police are actively using existing powers under the RSA, including recent speed detection powers. For example, in May 2025, police in Mornington seized an e-scooter travelling at approximately 50 km/h on a public road.³

While the Department supports the intent of the Coroner's recommendation, further consultation with Victoria Police and an examination of existing RSA provisions is required to determine the most effective and practical approach. The Department anticipates that a more considered position on this recommendation will be available within approximately the next six months and will provide the Court with an update at that time.

Implementation of any changes would then require additional time, the length of which will depend on whether changes are required to the RSA and/or related regulations.

Please do not hesitate to contact Daniel Harrison, Manager Reform, Transport Network Policy and Reform at [REDACTED] if you have any questions about the contents of this letter or if you require any further information.

Yours sincerely



Jeroen Weimar
Department Secretary

05 November 2025

Cc:

The Hon Melissa Horne, Minister for Roads and Road Safety:
[REDACTED]

The Hon Gabrielle Williams, Minister for Public and Active
Transport: [REDACTED]

³ <https://www.facebook.com/eyewatchfrankston/posts/illegal-e-scooter-impoundedsomerville-highway-patrol-members-intercepted-a-male-/1113232690835628/>