

Solar discrimination guideline

18 September 2025



Acknowledgement

We acknowledge the Traditional Owners of the lands and waterways on which we work and live.

We acknowledge all Aboriginal and Torres Strait Islander communities, and pay our respects to Elders past and present.

As the First Peoples of this land, belonging to the world's oldest living cultures, we recognise and value their knowledge, and ongoing role in shaping and enriching the story of Victoria.

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Note: The information in this guideline was originally published as Guidance Note 9 (2021) to the commission's website 9 June 2021. The commission made this a guideline pursuant to section 13 of the *Essential Services Commission Act 2001*. The content of the guideline has not changed since it was first published except for updating to current clause numbers for each provision in the Energy Retail Code of Practice, where applicable.

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Any plan offered to a non-renewable energy customer must also be offered to a renewable energy customer on the same tariffs, terms and conditions. A renewable energy customer includes a residential customer with roof top solar system.

Additional information on guidance

The commission considered section 23C of the *Electricity Industry Act 2000* and provides the following guidance, issued on 9 June 2021.

Section 23C of the Electricity Industry Act 2000 makes it a condition of each retailer's licence to offer to sell electricity to a renewable energy customer at the same tariffs and on the same terms and conditions that it would offer to the customer if the customer was not a renewable energy customer.

This requirement aims to:

- a) make sure renewable energy customers are able to access all offers made available to non-renewable energy customers
- b) ensure incentives for investment in solar and other renewable energy sources are not adversely impacted by energy retailers imposing higher charges for this customer group.¹

Retailers must comply with section 23C at all times when making an offer. Contravention of the provision can take a variety of forms.

Retailers must not discriminate against renewable energy customers when:

- c) **Deciding on, and publishing, the eligibility criteria in their supply offers.** Retailers should not offer any plan that would restrict customers who have solar or other renewable energy generation from taking up an offer. Retailers must consider this at the time of deciding on the eligibility criteria for offers and publishing that information. This includes when retailers are identifying the details of any eligibility restrictions for the purpose of entering this information into the Victorian Retailer Portal, [Victorian Energy Compare](#).²
- d) **Discussing offers with individual customers.** If a plan has been advertised to the market as generally available to renewable energy customers, a subsequent withholding of that plan

¹ Victoria, Second Reading Speech, Legislative Assembly, 2 September 2015 (Lily D'Ambrosio, Minister for Energy and Resources), Hansard, p. 3019

² The commission's [Energy Fact Sheet Guidelines \(PDF\)](#) have additional information regarding matters retailers must turn their minds to when considering eligibility criteria (clause 2.30). Further, it notes that retailers are required to indicate the solar feed-in tariff(s) available to customers entering into the offer (clause 2.36).

to a renewable energy customer, by reason of the customer being a renewable energy customer, will constitute a contravention.

- e) **Other forms of sales.** This guidance applies to all forms of offers, including those made during door-to-door **sale** visits and through sales calls to the extent that these practices are permitted. Retailers may breach section 23C if they do not offer eligible plans to renewable energy customers during sales discussions.

Under section 23C(2), retailers are able to make electricity sale offers that are specific to solar and renewable energy customers, but these customers must also be able to access the same offers as any other customer.