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Electricity Industry Act 2000 ORDER UNDER SECTION 13 OF THE ELECTRICITY INDUSTRY ACT 2000

Order in Council

The Governor in Council, on the recommendation of the Minister, acting under section 13 of the **Electricity Industry Act 2000**, and the Minister having first consulted with the Premier and the Treasurer in accordance with section 13(1C) of that Act, makes the following Order.

Part 1 – Preliminary

1 Citation

This Order may be cited as the Midday Power Saver Pricing Order 2026.

2 Commencement

- (1) Subject to subclause (2), this Order comes into operation on the date on which it is published in the Government Gazette.
- (2) Clauses 6 to 12, clause 19, Schedule 1, Schedule 2 and Schedule 3 come into operation on 1 October 2026, except for clause 8(5).
- (3) Clause 8(5) comes into operation on the later of –
 - (a) the date on which this Order is published in the Government Gazette; and
 - (b) the day on which section 3 of the Act first defines *standing offer Order*.

3 Main purpose

The main purpose of this Order is to regulate tariffs for the sale of electricity to prescribed customers, including by providing for the Midday Power Saver standing offer, regulating the tariffs applicable to that offer, and specifying that those tariffs are tariffs for the purposes of a licensee standing offer.

4 Objectives of the Midday Power Saver standing offer

The objectives of the Midday Power Saver standing offer are:

- (1) to incentivise domestic customers who can shift their electricity use to benefit from lower cost electricity in the middle of the day, including through tariff structures that encourage such consumption; and
- (2) to shift consumption from higher priced peak periods to periods of high renewable generation in the middle of the day, to support more efficient network utilisation.

5 Definitions

In this Order:

Act means the **Electricity Industry Act 2000**.

Commission means the Essential Services Commission.

Code of Practice means the Energy Retail Code of Practice made by the Commission under the **Essential Services Commission Act 2001**.

child connection point has the same meaning as in the National Electricity Rules.

customer connection point means, in relation to a customer, the supply point, child connection point or other connection point at or through which electricity is sold or supplied to the customer, whether or not a NMI has been assigned to the connection point.

domestic customer means a customer who purchases electricity principally for personal, household or domestic use at a customer connection point.

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distribution zone means the area in which a distribution company is licensed to distribute and supply electricity under the Act.

explicit informed consent means consent given by a customer where the retailer has clearly, fully and adequately disclosed in plain English all matters relevant to the customer's acceptance of the Midday Power Saver standing offer, including the matters required to be disclosed under Schedule 3 paragraphs 3 and 4, and the consent is explicit, informed and given voluntarily.

excess electricity means electricity consumed by a customer at a customer connection point during the free usage period in excess of the fair use cap, excluding electricity consumed by a controlled load.

fair use cap means the maximum amount of electricity, expressed in kWh, that may be consumed, excluding electricity consumed by a controlled load, at a customer connection point during a free usage period at a usage charge of \$0 per kWh before electricity consumed during that period is excess electricity.

free usage period means a period during which a usage charge of \$0 per kWh applies to electricity consumed by the customer at a customer connection point, up to the fair use cap, excluding electricity consumed by a controlled load.

initial period means the period from 1 October 2026 to 30 June 2027.

Midday Power Saver price determination means a price determination made by the Commission under clause 13.

Midday Power Saver standing offer means the Midday Power Saver standing offer provided for by clause 7.

National Electricity Rules means the National Electricity Rules made under the National Electricity Law.

NMI means National Metering Identifier within the meaning of the National Electricity Rules.

prescribed customer: see clause 7.

regulatory period means a period determined under clause 14 to which a Midday Power Saver price determination applies under clause 13.

retailer means the holder of a retail licence under the Act.

smart meter has the same meaning as in the Code of Practice as in force on the date this Order is made.

supply charge means a fixed charge for supplying electricity to a customer, whether charged on a daily basis or over any other period.

tariff component, in respect of a tariff for the supply or sale of electricity, includes the supply charge, the usage charge and any other charge that is part of the tariff for the supply or sale of electricity.

usage charge means a charge for the amount of electricity supplied or sold to a customer.

Victorian default offer or **VDO** means the Victorian default offer within the meaning of the Order under section 13 of the Act published in Government Gazette No. S 208 on 30 May 2019.

6 Headings and notes

- (1) A heading to a clause or Part is for convenience only and does not form part of this Order.
- (2) A note in this Order is for convenience only and does not form part of this Order.

Part 2 – Prescribed customers and Midday Power Saver standing offer

7 Declaration of prescribed customers

- (1) For the purposes of section 13(5) of the Act, the following customers are declared to be prescribed customers:
 - (a) a domestic customer with a smart meter; and
 - (b) a relevant customer within the meaning of section 36 of the Act who is a party to a deemed contract under section 39 of the Act, but only for the purpose of requesting and accepting the Midday Power Saver standing offer under clause 11.

- (2) To avoid doubt, a prescribed customer is not sold electricity under the Midday Power Saver standing offer merely because of this Order.

8 Midday Power Saver standing offer

- (1) This Order provides for the Midday Power Saver standing offer for the sale of electricity.
- (2) Subject to this Order, the Midday Power Saver standing offer is to operate within the standing offer and standard retail contract framework of the Act and the Code of Practice.
- (3) Subject to this Order, the Midday Power Saver standing offer must include the tariff features specified in clause 9 and must be made available by a retailer required to do so under clause 10 or 11.
- (4) Each of the following is specified to be a tariff for the purposes of a licensee standing offer:
 - (a) a tariff fixed under this Order; and
 - (b) a tariff determined under a Midday Power Saver price determination in force under this Order.
- (5) On and from the commencement of the definition of *standing offer Order* in section 3 of the Act, this Order is a standing offer Order for the purposes of the Act.

9 Tariff features of the Midday Power Saver standing offer

- (1) The Midday Power Saver standing offer must include:
 - (a) a usage charge of \$0 per kWh for electricity consumed during a free usage period of three consecutive hours each day, up to the fair use cap;
 - (b) a fair use cap for electricity consumed at a customer connection point during the free usage period at the usage charge referred to in paragraph (a);
 - (c) a maximum usage charge for excess electricity;
 - (d) maximum usage charges for electricity consumed outside the free usage period; and
 - (e) any other tariff components payable under the Midday Power Saver standing offer.
- (2) The free usage period hours and maximum usage charges, including any maximum usage charge for excess electricity, for the initial period are set out in Schedule 2.
- (3) To avoid doubt, the Midday Power Saver standing offer does not include any provision relating to tariffs for electricity consumed by a controlled load and nothing in this Order requires a retailer to change any controlled load tariff, or any controlled load charging period, applicable to a prescribed customer, and a customer may be sold electricity under the Midday Power Saver standing offer in respect of general usage while any controlled load component remains unchanged.

10 Retailers required to make Midday Power Saver standing offer available

- (1) From 1 October 2026, a retailer that meets the customer threshold specified in Schedule 1 must make the Midday Power Saver standing offer available to prescribed customers.
- (2) A retailer required to make the Midday Power Saver standing offer available under subclause (1) must identify, publish and offer that standing offer using the name 'Midday Power Saver'.
- (3) During the initial period, a retailer must ensure that the Midday Power Saver standing offer made available to a prescribed customer provides tariffs that do not exceed the maximum usage charges and tariff components set out in Schedule 2 for the customer's distribution zone.
- (4) For any regulatory period commencing on or after 1 July 2027, a retailer must ensure that the Midday Power Saver standing offer complies with any Midday Power Saver price determination made by the Commission under clause 13.

11 Retailers to make Midday Power Saver standing offer available to certain customers on deemed contracts

- (1) From 1 October 2026, a retailer must, on request by a relevant customer within the meaning of section 36 of the Act who is a party to a deemed contract under section 39 of the Act, make the Midday Power Saver standing offer available to that customer.
- (2) A retailer must not sell electricity to a customer under the Midday Power Saver standing offer pursuant to subclause (1) unless the customer has given explicit informed consent to accept that standing offer.
- (3) To avoid doubt, nothing in this clause authorises or requires a retailer to sell electricity to a customer under the Midday Power Saver standing offer unless the customer has given explicit informed consent under subclause (2).
- (4) To avoid doubt, a customer referred to in clause 7(1)(b) is a prescribed customer only for the purpose specified in that clause.
- (5) This clause ceases to apply on the commencement of amendments to the Code of Practice made in accordance with clause 20 that expressly provide for requests by relevant customers who are parties to deemed contracts under section 39 of the Act to access the Midday Power Saver standing offer and for corresponding explicit informed consent, clear advice and withdrawal protections.

Part 3 – Initial tariffs and tariff components**12 Fair use cap during initial period**

- (1) During the initial period, the fair use cap is 24 kWh for each free usage period at each customer connection point.

Note: The fair use cap is intended to ensure that customers are able to benefit from the free usage period, while limiting unreasonable electricity consumption and supporting the safe and reliable operation of electricity networks.

- (2) For the initial period, a retailer may charge for electricity consumed at a customer connection point during the free usage period above the fair use cap at a usage charge not more than the excess electricity usage charge set out in Schedule 2.

13 Commission to make Midday Power Saver price determinations

- (1) The Commission must, not less than 30 days before the commencement of each regulatory period beginning on or after 1 July 2027, make a Midday Power Saver price determination regulating the maximum usage charges applicable to the Midday Power Saver standing offer.
- (2) A Midday Power Saver price determination must specify, for each distribution zone:
 - (a) the free usage period hours;
 - (b) the maximum usage charges applicable outside the free usage period;
 - (c) the maximum usage charge for excess electricity;
 - (d) any fair use cap determined by the Commission under clause 14; and
 - (e) any other tariff components necessary for the operation of the Midday Power Saver standing offer.
- (3) Despite subclause (2), the Commission may, after making its first Midday Power Saver price determination, determine another manner in which any matter referred to in subclause (2) is to be determined or calculated.

14 Regulatory periods and fair use cap (post-initial period)

- (1) A regulatory period is a period of 12 months beginning on 1 July and ending on 30 June unless, in a Midday Power Saver price determination, the Commission specifies a different period.

- (2) For regulatory periods commencing on or after 1 July 2027, the fair use cap is 24 kWh for each free usage period at each customer connection point unless the Commission determines a different fair use cap in a Midday Power Saver price determination.

15 Methodology and matters to which the Commission must have regard

- (1) In making, varying or replacing a Midday Power Saver price determination, the Commission must adopt an approach and methodology that it considers will best meet the objectives of the Midday Power Saver standing offer.
- (2) Without limiting subclause (1), in making, varying or replacing a Midday Power Saver price determination, the Commission must have regard to:
 - (a) the desirability of administrative and methodological alignment with Victorian default offer price determinations, to the extent the Commission considers appropriate;
 - (b) efficient costs of the sale of electricity by a retailer, including:
 - (i) wholesale electricity costs;
 - (ii) network costs;
 - (iii) environmental costs;
 - (iv) retail operating costs, including modest costs of customer acquisition and retention;
 - (v) retail operating margin; and
 - (vi) any other costs, matters or things the Commission, in the exercise of its discretion, considers appropriate or relevant;
 - (c) periods of comparatively high excess generation in each distribution zone;
 - (d) high priced peak periods and periods of comparatively low wholesale and network costs in each distribution zone;
 - (e) the historic electricity consumption of domestic customers;
 - (f) the need to ensure that the fair use cap supports the effective operation of the Midday Power Saver standing offer in achieving its objectives, including the effect of the fair use cap on network utilisation; and
 - (g) any other matters the Commission considers appropriate or relevant to meeting the objectives of the Midday Power Saver standing offer.

Part 4 – Conferral of powers, consultation and variation

16 Conferral of functions and powers on the Commission

- (1) For the purposes of Part 3 of the **Essential Services Commission Act 2001** and section 12(1)(b) of the Act, the supply or sale of electricity under the Midday Power Saver standing offer is specified as prescribed goods and services in respect of which the Commission has power to regulate prices, to the extent provided for by this Order.
- (2) The Commission may not make a Midday Power Saver price determination regulating tariffs for the supply or sale of electricity under the Midday Power Saver standing offer except as contemplated under this Order.

17 Consultation

- (1) The Commission may decide the nature and extent of stakeholder consultation it will undertake when making, varying or replacing a Midday Power Saver price determination.
- (2) For the purposes of subclause (1), the Commission must have regard to its Charter of Consultation and Regulatory Practice developed and published under section 14 of the **Essential Services Commission Act 2001**.

18 Variation and replacement of Midday Power Saver price determinations

- (1) Before or during a regulatory period, the Commission may, on its own initiative, vary or replace a Midday Power Saver price determination in respect of the regulatory period.
- (2) The Commission must specify, in a Midday Power Saver price determination, the circumstances under which the Commission will consider a proposed variation or replacement, the basis on which the Commission will decide whether to make a proposed variation or replacement and (subject to subclauses (4) and (5)) the processes to be followed to enable the Commission to make such a variation or replacement.
- (3) Without limiting subclause (1), the Commission may vary or replace a Midday Power Saver price determination:
 - (a) if an event has occurred or will occur that was uncertain or unforeseen by the Commission at the time of making the determination; or
 - (b) to correct a clerical error, miscalculation, misdescription or other deficiency.
- (4) Before making a variation or replacement under this clause, the Commission must consult in accordance with clause 17.
- (5) Subclause (4) does not apply if the Commission considers that:
 - (a) the variation or replacement is not sufficiently material to warrant consultation in accordance with clause 17; or
 - (b) the need for the variation or replacement is sufficiently urgent to warrant consultation in accordance with clause 17 not being undertaken.
- (6) If, as a result of a variation or replacement of a Midday Power Saver price determination, a retailer is or will be required to vary the usage charges or tariff components of the Midday Power Saver standing offer, the Commission must ensure that the retailer is given adequate notice before the variation or replacement takes effect.

Part 5 – Transitional and Code of Practice matters**19 Transitional customer protection provisions**

Subject to Schedule 3 paragraph 14, from 1 October 2026 the transitional customer protection provisions set out in Schedule 3 apply to prescribed customers.

20 Direction to amend Code of Practice

- (1) For the purposes of section 13(3)(b) of the Act, the Commission is directed, as soon as reasonably practicable, to amend the Code of Practice to provide for the Midday Power Saver standing offer and ongoing Code of Practice protections corresponding to the matters specified in subclause (2).
- (2) Without limiting subclause (1), the amendments must address:
 - (a) amendment of the definitions of *standing offer* and *standard retail contract*, and any other consequential provisions, so far as necessary to ensure that the Midday Power Saver standing offer operates within the standing offer and standard retail contract framework of the Act and that relevant customer protections under the Code of Practice apply in relation to that offer;
 - (b) provision for explicit informed consent to be required before a customer is sold electricity under, transferred to or otherwise accepts the Midday Power Saver standing offer, subject to paragraph (ba);
 - (ba) provision that paragraph (b) does not apply to the extent that a prescribed customer is transferred to or otherwise moved onto the Midday Power Saver standing offer as a result of –
 - (i) the operation of Part 6, Division 2A of the Code of Practice, including clauses 132C and 132D of the Code of Practice; or
 - (ii) the operation of Part 5, Division 8 of the Code of Practice, including clauses 120B and 120C of the Code of Practice;

- (bb) any consequential amendments to the provisions of the Code of Practice dealing with deemed best offers, reasonable price switching and automatic switching that are necessary to allow the Midday Power Saver standing offer to be considered, identified and used, where applicable –
 - (i) as a deemed best offer for the purposes of Part 6, Division 2A of the Code of Practice; or
 - (ii) as the applicable customer retail contract, or a plan at a reasonable price, for the purposes of Part 5, Division 8 of the Code of Practice;
- (c) provision for relevant customers who are parties to deemed contracts under section 39 of the Act to request and accept the Midday Power Saver standing offer;
- (d) publication requirements, including amendment of relevant definitions, publication provisions and any relevant note so that Midday Power Saver standing offer tariffs and any associated fact sheet or equivalent tariff information are published on retailers' websites and through applicable Victorian Energy Compare publication mechanisms consistently with the approach applied to other standing offers;
- (e) any consequential amendments to pre-contractual information requirements, including clarification that, despite the existence of the Midday Power Saver standing offer, a retailer is required to advise a customer only of the availability of the Victorian default offer for electricity for the purposes of those requirements, and any related consequential amendment the Commission considers necessary;
- (f) where paragraph (b) applies, requirements for retailers to give clear advice to customers before obtaining explicit informed consent to acceptance of the Midday Power Saver standing offer, including advice about the matters specified in Schedule 3;
- (g) where paragraph (b) applies, provision for a 10-business day right to withdraw from the Midday Power Saver standing offer commencing with the date the customer receives the required information about that offer, including requirements for customer notice, retailer giving effect to withdrawal, records and fee-free withdrawal; and
- (h) consequential amendments to the model terms and conditions in Schedule 2 to the Code of Practice, so far as necessary for those terms and conditions to operate in relation to the Midday Power Saver standing offer.

21 References to Code of Practice provisions

In this Order, a reference to a provision of the Code of Practice includes a reference to that provision as amended, re-enacted or replaced from time to time, and to any provision of the Code of Practice that substantially corresponds to that provision.

Part 6 – Review

22 Review of Order

- (1) The Minister must cause a review of the operation and effectiveness of this Order to be undertaken before the third anniversary of the commencement of this Order.

Schedule 1 – Retailer threshold and measurement dates

1. A retailer is required to make the Midday Power Saver standing offer available if it has 1,000 or more domestic customers across distribution networks in Victoria.
2. For the initial period, the retailer must calculate the number of domestic customers on 15 September 2026.

3. For regulatory periods commencing on or after 1 July 2027, the retailer must calculate the number of domestic customers on 1 March in the financial year prior to the regulatory period.

Schedule 2 – Maximum usage charges and free usage period hours

The free usage period hours and maximum usage charges for general usage for domestic customers (excluding controlled load usage) under the Midday Power Saver standing offer for the initial period are as follows.

Charges are inclusive of GST.

Distribution zone	Supply charge (\$/day)	Off-peak usage charge (\$/kWh)	Free usage period usage charge (\$/kWh)	Solar soak/excess electricity usage charge (\$/kWh)	Peak usage charge (\$/kWh)
		<i>9 pm–11 am</i>	<i>11 am–2 pm</i>	<i>2 pm–4 pm</i>	<i>4 pm–9 pm</i>
AusNet	\$1.2824	\$0.2478	\$0.00	\$0.1976	\$0.4982
CitiPower	\$1.2114	\$0.2322	\$0.00	\$0.1864	\$0.4036
Jemena	\$1.2712	\$0.2394	\$0.00	\$0.1983	\$0.3975
Powercor	\$1.3805	\$0.2462	\$0.00	\$0.1939	\$0.4381
United Energy	\$1.1912	\$0.2427	\$0.00	\$0.1939	\$0.4245

Schedule 3 – Transitional customer protection provisions

Subject to paragraph 14, this Schedule sets out transitional customer protection provisions concerning explicit informed consent, clear advice and withdrawal from the Midday Power Saver standing offer, and the automatic switching exception in paragraph 1A, which apply from 1 October 2026.

1. Subject to paragraph 1A, a retailer must not sell electricity to a prescribed customer under, or otherwise cause a prescribed customer to accept, the Midday Power Saver standing offer unless the customer has given explicit informed consent to accept that standing offer.
- 1A. Paragraph 1 does not apply to the extent that a prescribed customer is transferred to or otherwise moved onto the Midday Power Saver standing offer as a result of the operation of Part 6, Division 2A of the Code of Practice, including clauses 132C and 132D, or Part 5, Division 8 of the Code of Practice, including clauses 120B and 120C.
2. Where paragraph 1 requires a retailer to obtain explicit informed consent, the retailer must obtain explicit informed consent before the customer accepts the Midday Power Saver standing offer, keep a record of the consent and the information given to the customer before consent was obtained, and give that record to the Commission on request.
3. Before obtaining explicit informed consent, a retailer must give the customer clear advice, in plain English and in a readily understandable manner, about the tariff structure and potential cost consequences of accepting the Midday Power Saver standing offer.
4. The clear advice must include advice about the free usage period, the fair use cap, the excess electricity usage charge, the peak and off-peak usage charges, the supply charge and any other tariff components, the risk that the customer may pay more if the customer's electricity consumption pattern does not suit the Midday Power Saver standing offer, the availability of the Victorian default offer, and where the customer may obtain comparison information. Where practicable, the clear advice must be given by reference to the retailer's estimate of the dollar impact on the customer.
5. A customer who accepts the Midday Power Saver standing offer in circumstances where paragraph 1 requires explicit informed consent has the right to withdraw from that acceptance in accordance with this Schedule.

6. The right of withdrawal may be exercised within the period of 10 business days commencing with the date the customer receives the information referred to in paragraphs 3 and 4.
7. The right of withdrawal may be exercised even though the customer agreed to or accepted the Midday Power Saver standing offer.
8. The customer withdraws from acceptance of the Midday Power Saver standing offer by informing the retailer orally or in writing of the customer's intention to withdraw from that acceptance.
9. Where paragraph 5 applies, a retailer must ensure that the terms on which the customer accepts the Midday Power Saver standing offer, or the information provided to the customer before acceptance, expressly set out the rights and obligations provided for by paragraphs 5 to 12.
10. A retailer must create and keep a record of each withdrawal and action taken in response to it, and give that record to the Commission on request.
11. Withdrawal from acceptance of the Midday Power Saver standing offer operates as a rescission of that acceptance.
12. If a customer withdraws under this Schedule, the retailer must give effect to the withdrawal as soon as practicable after receiving notice of the withdrawal and must not impose any fee, charge or penalty because the customer withdraws.
13. To avoid doubt, nothing in this Schedule limits the operation of clause 11.
14. This Schedule ceases to apply on the commencement of amendments to the Code of Practice made in accordance with clause 20 that give effect to the matters specified in clause 20(2).

Dated: 8 September 2026

Responsible Minister:

JACLYN SYMES MP

Minister for Energy and Resources

SHELBY RAE
Clerk of the Executive Council

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Level 2, 1 Macarthur Street

Melbourne 3002

Victoria, Australia

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Ground Floor, Building 8,
658 Church Street,
Richmond 3121



Telephone email

03 8523 4601
gazette@ivegroup.com.au

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