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Anti-Dumping Commission  
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**Public File**

**Investigation No. 691 concerning Aluminium Windows and Doors from China**

Dear Director,

This submission is made jointly by the Australian Glass and Window Association (**AGWA**) and Ventora Group Pty Ltd (**Ventora**) (**the applicants**) in Investigation 691 (**INV 691**) concerning aluminium windows and doors (**AWDs**) exported to Australia from the People's Republic of China (**China**).

The applicants make this submission for the following reasons:

- to renew and emphasise the applicants' request that the Commissioner make a preliminary affirmative determination (**PAD**) under section 269TD of the *Customs Act 1901* (**the Act**) at the earliest possible time, and to require the taking of securities under section 42 of the Act, having regard to objective import data demonstrating that the volume and value of dumped Chinese AWDs has continued at, and exceeded, investigation period levels into the post-period, and that this continues to cause material injury to the Australian industry; and
- to respond to the submission lodged by the China Chamber of Commerce of Metals, Minerals & Chemicals Importers & Exporters (**CCCMC**) dated 24 April 2026 (**CCCMC submission**)<sup>1</sup>, in respect of the scope of the goods under consideration (**GUC**) and specifically the CCCMC's contention that window wall falls outside the GUC.

**1. Background**

INV 691 was initiated by the Commission on 25 November 2025 following the lodgement of an application by AGWA and Ventora dated 10 October 2025. The investigation period is 1 July 2024 to 30 June 2025 (**the POI and/or FY2025**), with the injury analysis period commencing 1 July 2021.

The Commission's indicative timetable provides that the *Statement of Essential Facts* is due no later than 23 September 2026 (day 302), with the Final Report due by 25 November 2026 and any dumping duty notice to be published by the Minister approximately 30 days thereafter. Accordingly, the Australian

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<sup>1</sup> EPR folio no. 436, dated 24 April 2026.



industry faces more than six months of further exposure to dumped Chinese AWDs (assuming a Ministerial decision by the indicative date) before any final remedy can take effect.

The applicants have previously and consistently called for a PAD at the earliest permissible time having regard to the material injury being caused by dumped and subsidised Chinese AWDs.<sup>2</sup> This submission renews and reinforces that call by reference to post-POI import data drawn from Australian Bureau of Statistics records under tariff classification 7610.10.00 (doors, windows and their frames, and thresholds for doors), and in providing further examples of these imports causing material injury to the domestic industry.

## 2. Renewed call for a PAD

Section 269TD of the Act empowers the Commissioner to make a preliminary affirmative determination no earlier than day 60 of an investigation where there appear to be sufficient grounds for the publication of a dumping duty notice. Once a PAD is made, the Commonwealth may apply provisional measures, including the taking of securities under section 42, to prevent material injury to an Australian industry occurring while the investigation continues.<sup>3</sup>

Day 60 of INV 691 fell on 27 January 2026. The Commissioner is now entitled to make a PAD at any time. The applicants respectfully urge the Commissioner to do so now, and immediately upon making that determination, to take securities under section 42 of the Act, to stem the ongoing flow of dumped Chinese AWDs that continues to displace Australian production and depress and suppress Australian selling prices.

Tariff classification 7610.10.00 (doors, windows and their frames, and thresholds for doors) is the principal classification under which the goods the subject of INV 691 are imported. The following table presents quarterly import volume and FOB value data for the dumped goods from China for each quarter of the POI and each subsequent post-POI quarter up to and including the quarter ended 31 March 2026:<sup>4</sup>

Period	Quarter	Volume (units)	FOB value (A\$)	Status
Jul - Sep 2024	Q3 CY24	[XXX]	[XXX]	POI
Oct - Dec 2024	Q4 CY24	[XXX]	[XXX]	POI
Jan - Mar 2025	Q1 CY25	[XXX]	[XXX]	POI
Apr - Jun 2025	Q2 CY25	[XXX]	[XXX]	POI
Jul - Sep 2025	Q3 CY25	[XXX]	[XXX]	Post-POI
Oct - Dec 2025	Q4 CY25	[XXX]	[XXX]	Post-POI
Jan - Mar 2026	Q1 CY26	[XXX]	[XXX]	Post-POI

<sup>2</sup> See AGWA *Australian Industry Injury Update* submission dated 13 March 2026 (EPR folio no. 426).

<sup>3</sup> Customs Act 1901, s 269TD(4)(b).

<sup>4</sup> Confidential Attachment 1: Appendix A2 post POI update.



Three specifics of the data that are critical to the present application for a PAD are:

- a. the quarterly average volume of dumped Chinese AWDs across the four POI quarters was approximately [XXX] units. Each of the three post-POI quarters has exceeded that average, with the most recent two quarters (Q4 CY25 and Q1 CY26) recording volumes of [XXX] and [XXX] units respectively – increases of [XX] percent and [XX] percent above the POI quarterly average. Q4 CY25 is the highest single quarter of Chinese AWD imports on record across the entire injury analysis period;
- b. the FOB value trajectory mirrors the volume trajectory. Q1 CY26 FOB value of A\$[XXX] is approximately [XX] percent above the POI quarterly average (A\$[XXX]) and [XX] percent above the first quarter of the dumping period (Q3 CY24: A\$[XXX] million); and
- c. Chinese AWD market share by value has continued to climb materially into the post-POI period. The applicants' Appendix A2 market data records Chinese AWD share of the Australian market rising from [XX] percent (by value) in Q1 CY25 to [XX] percent in Q1 CY26, while the Australian industry's share fell over the same period from [XX] percent to [XX] percent.

The applicants acknowledge that tariff classification 7610.10.00 captures imports of all aluminium “doors, windows and their frames, and thresholds for doors”, and accordingly may include some volume of curtain wall product (excluded from the GUC). Import statistics do not permit the separate identification of in-scope AWDs from any out-of-scope curtain wall import volume.

However, the contemporary firm-level injury evidence set out below confirms that the displacement and price depression and suppression occurring in the Australian market is being suffered by Australian AWD fabricators in respect of in-scope Chinese AWD supply. The examples detailed below of continued injury are to AWD fabricators, not curtain wall fabricators, and the projects/work lost are to imported Chinese AWD goods across residential, commercial and public-infrastructure – and not curtain wall. The increasing import trajectory recorded under tariff classification 7610.10.00 may therefore reasonably be inferred to reflect, in substantial part, increasing volumes of in-scope dumped AWDs from China.

The data categorically demonstrates that the dumped goods continue to enter the Australian market at volumes and values that materially exceed those recorded during the POI.

The applicants further note that the post-POI trajectory is consistent with the observed structural supply shift to dumped Chinese goods. This is a legislatively-addressed pattern of behaviour in the conduct of anti-dumping investigations,<sup>5</sup> and is one of the specific points on which a retrospective dumping duty notice may be considered under section 269TN(4) of the Act.

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<sup>5</sup> See further sections 269TN(3) and 269TN(4) of the Act, which provide for retrospective application of dumping duty in respect of large importations over a short period of time.



### Further examples of continuing material injury

Ongoing material injury to the Australian industry is clearly evident and must be stemmed. The macro-level import data set out above manifests at the Australian industry level in concrete examples of contract losses, sales displacement and revenue erosion suffered by Australian AWD industry members in the post-POI period.

The applicants set out below specific, contemporary examples of such injury, which supplement (and update) the AGWA Australian industry injury update submission of 13 March 2026. These examples are not exhaustive. The applicants will continue to provide additional examples as further evidence is received from AGWA members.

#### Viewco

[confidential injury details deleted]<sup>6</sup>

#### MCG Windows

[confidential injury details deleted]<sup>7</sup>

#### Brisbane Water Glass

[confidential injury details deleted]<sup>8</sup>

#### Flawless Glass & Aluminium

[confidential injury details deleted]<sup>9</sup>

#### Darley Aluminium

[confidential injury details deleted]<sup>10</sup>

#### Examples conclusion

The examples set out above span four Australian States and Territories (New South Wales, the Australian Capital Territory, Victoria and Queensland) and the principal segments of the Australian AWD market, being volume residential, high-end residential, mixed commercial, hotel, public infrastructure (including health care) and Class 2 multi-residential, and across a representative cross-section of five Australian AWD industry members ranging from regional fabricators to national systems distributors.

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<sup>6</sup> All details and evidence provided at Confidential Attachment 2.

<sup>7</sup> All details and evidence provided at Confidential Attachment 3.

<sup>8</sup> All details and evidence provided at Confidential Attachment 4.

<sup>9</sup> All details and evidence provided at Confidential Attachment 5.

<sup>10</sup> All details and evidence provided at Confidential Attachment 6.



### PAD conclusion

The applicants respectfully submit that all of the matters relevant to a determination under section 269TD of the Act are now before the Commissioner. The Commission has before it: the application; the initiation notice; the applicants' verified A2 market data; the AGWA Australian industry injury Update of 13 March 2026; responses of Chinese exporters to the Commission's exporter questionnaire; the objective post-POI import data summarised above; and current, firm-level injury evidence from Australian AWD industry members.

The examples above are non-exhaustive and illustrative of the continuing and escalating material injury being suffered by the Australian AWD industry as Chinese imports continue to enter the market at the materially elevated volumes.

The examples depict real-world injurious events to which a PAD is intended to address. Each further project or sale lost during the period between the date of this submission and the date of the Minister's decision represents irrecoverable harm to the affected Australian industry member; sales will have been lost to imports during the pendency of the investigation that cannot be recouped, and Australian fabrication capacity will have been withdrawn which cannot readily be re-established. This will be the case even if a final dumping duty notice is published in due course.

These are the very circumstances at which the PAD and the provisional securities regime is directed. The erosion of sovereign fabrication capability is occurring now and quickly. Chinese prices are so compelling that, once Australian fabricators elect to source imported AWDS and relinquish their domestic fabrication capability, the commercial, technical and workforce barriers to reinstating that capability make its restoration exceptionally difficult.

The applicants respectfully submit that the Commissioner must act now. The applicants request that a PAD be made at the earliest available opportunity and that securities be taken in an amount sufficient to address the dumping and countervailable subsidy margins presently before the Commission, to prevent the further material injury that the Australian industry will otherwise suffer between the date of this submission and the date of the Minister's decision.

### **3. Surge in Vietnamese imports and circumvention concerns**

The applicants draw to the Commission's attention a significant and abnormal change in Australian AWD import patterns observed since the initiation of INV 691. Specifically, the volume of AWD imports recorded as originating in Vietnam has surged on a scale, and within a timeframe, that strongly suggests emerging circumvention behaviour by way of Chinese-origin product being routed through Vietnam to avoid potential Australian anti-dumping and countervailing duties.

#### Magnitude of the Vietnamese import surge

AWD imports recorded as originating in Vietnam (under tariff classification 7610.10.00), drawn from the same source data underlying section 2 above,<sup>11</sup> have trended as follows:

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<sup>11</sup> Confidential Attachment 1.



- Calendar years 2021 to 2025 (inclusive): Vietnamese AWD imports totalled approximately [XXX] units across the entire five-year period, ranging between approximately [XXX] units (CY2021) and [XXX] units (CY2025) per annum. No individual quarter across the five-year period exceeded [XXX] units.
- Quarter ended 31 December 2025 (the first full quarter following the initiation of INV 691): Vietnamese AWD imports increased to [XXX] units in a single quarter, approximately 2.3 times the previous quarterly peak (Q3 CY2023: [XXX] units).
- Quarter ended 31 March 2026 (the second full post-initiation quarter): Vietnamese AWD imports surged to [XXX] units in a single quarter. In this quarter, Vietnamese AWD imports exceeded the cumulative five-year total of all prior Vietnamese AWD imports across the period CY2021 to CY2025. The Q1 CY26 figure is approximately 5.2 times the immediately prior quarter (Q4 CY2025), approximately 12 times the prior quarterly peak (Q3 CY2023), and approximately 26 times the POI quarterly average.

That trajectory is not consistent with organic growth in Vietnamese AWD manufacturing capacity. Vietnamese AWD imports were broadly stable across CY2021 to CY2025, and then increased by a factor of approximately 26 times within the two quarters immediately following the initiation of INV 691. That pattern suggests diversion of Chinese-origin AWD product through Vietnam in anticipation of the imposition of measures.

#### Industry intelligence and supply-chain knowledge

The applicants observe that:

- the Vietnamese aluminium-systems manufacturing sector is materially smaller than the Chinese aluminium-systems sector, and is not known to have undergone any step-change in production capacity that could explain an approximately 5-fold quarter-on-quarter increase in exports to Australia in Q1 CY2026;
- the Vietnamese-declared AWD exports recorded in Q1 CY26 are, to the extent the applicants have been able to observe through industry channels, concentrated in the same product specifications as the dumped Chinese product discussed in section 2 above; and
- the timing of the surge (coincident with, and immediately following, the initiation of INV 691) is consistent with the recognised circumvention pattern of pre-emptive relabelling and third-country routing of Chinese-origin product in anticipation of measures.

#### Applicants' requests

Having regard to the foregoing, the applicants respectfully request that the Commission take the following steps, in parallel with the request for a PAD addressed in section 2 above:



- Monitor imports from Vietnam: The Commission should establish, or enhance, monthly or quarterly monitoring of AWD imports under tariff classification 7610.10.00 declared as originating in Vietnam, with particular attention to declared origin, exporter identity, and product specification.
- Consider preparatory steps toward a formal anti-circumvention inquiry: The Commission should give early consideration to the steps necessary for a formal anti-circumvention inquiry under Division 5A of Part XVB of the Customs Act 1901 in the event that the post-initiation pattern of Vietnamese-declared AWD imports continues.
- Engage with the Australian Border Force (**ABF**) on enhanced origin verification: The Commission should engage with the ABF in respect of enhanced origin verification of AWD imports declared as originating in Vietnam, including, where appropriate, the use of document review, post-importation audits, and verification visits.

As-and-when available, the applicants will seek to provide further information, including supply-chain intelligence and member observations, in support of the steps requested above.

#### 4. Window wall falls within the GUC

Section B of the CCCMC submission contends that window walls are not, and should not be considered to be, within the scope of the GUC for this investigation. The applicants disagree. Window walls fall plainly within the GUC as described in the Application and the section 269TC(4) initiation notice, and the CCCMC's contention should be rejected for the reasons set out below.

##### *The GUC covers all aluminium windows and doors, except curtain wall*

The applicants submit that the GUC, as described in the section 269TC(4) initiation notice, encompasses all aluminium windows and doors meeting the descriptive specifications in the notice. The only express exclusion is curtain wall. A window wall is not, on any defensible reading, a curtain wall. It therefore falls squarely within the GUC.

The CCCMC's contrary contention – that window walls must have been specifically named to be included – inverts the structure of the goods description. The goods description proceeds by stating the goods covered and the exclusions; everything not excluded is, by operation of that description, included. To accept the CCCMC's submission would be to read into the GUC an unstated exclusion that the applicants did not draft, the Commissioner did not adopt, and the section 269TC(4) notice does not contain.

##### *The NCC and AS 2047 confirm that window walls are windows*

The National Construction Code (**NCC**) defines a window relevantly as:<sup>12</sup>

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<sup>12</sup> National Construction Code 2022, Volume One/Two, Schedule 1 – Definitions, Windows. Refer <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-one/1-definitions/glossary> and <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-two/1-definitions/glossary>



*...a roof light, glass panel, glass block or brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position.*

A window wall categorically satisfies this definition. It is a glazed sash assembly that transmits natural light from outside the building to the interior when in the closed position. The CCCMC submission does not engage with this regulatory definition at all.

Australian Standard AS 2047, the Australian product standard for windows and external glazed doors, contains the following specific definition of “window wall”:<sup>13</sup>

*A series of multi-light windows generally spanning from floor to ceiling, and often continuous horizontally.*

On its own terms therefore, AS 2047 identifies a window wall as a type, or arrangement, of a window. The CCCMC’s attempt to treat window walls as a separate category of product distinct from windows is contradicted by the very standard on which the CCCMC otherwise seeks to rely.

The emphasis of the plain-English classification of window wall is not new to this inquiry, to the Commission, or to the CCCMC, but bears repeating at the outset given what appears to be a fundamental misunderstanding by CCCMC and certain minority others as to the inclusion or otherwise of window wall within the scope of the GUC.

*Reference to AS 2047 is interpretive guidance, not GUC incorporation*

The CCCMC submission proceeds on the false premise that, in referring to AS 2047, the applicants are seeking to amend or incorporate by reference the standard into the GUC description.<sup>14</sup> That is not the applicants’ position.

The GUC uses the words “aluminium windows and doors”. Where any question arises as to the meaning of those ordinary product terms, it is plainly legitimate to have regard to the relevant Australian product standard (AS 2047), which exists for precisely the purpose of defining and specifying “windows and external glazed doors in buildings” in the Australian construction context.

There is nothing novel or impermissible about taking interpretive guidance from a relevant Australian standard. It would be nonsensical to require the Commission to interpret the descriptive product words used in the GUC by reference only to dictionary or layperson definitions, when the very industry to which the goods relate is regulated by a binding product standard that contains the relevant defined terms.

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<sup>13</sup> AS 2047 – Windows and external glazed doors in buildings, clause 1.3.43.

<sup>14</sup> CCCMC submission, p. 5. The CCCMC submission is convoluted on this point, however the applicants understand CCCMC to be making this point when they state that *It follows that the scope of AS 2047, or AS 2047 itself, without being expressly incorporated into the definition of the GUC, cannot be used to replace the definition of the GUC.*



*The scope of AS 2047 supports the applicants' position*

Even if (contrary to the applicants' primary position) AS 2047 were treated as defining the scope of the GUC, the CCCMC's argument is internally undermined. AS 2047 treats window walls as a distinct type of window, not as a non-window product. That is the very point of including the term "window wall" in clause 1.3.43 of AS 2047, alongside the other defined window types.

The CCCMC's reliance on the AS 2047 explanatory text excluding certain curtain walls from the definition of window wall actually reinforces the applicants' position: that exclusion would not be needed if window walls and curtain walls were entirely distinct product categories. The text confirms that curtain walls and window walls are products of the same type at a generic level, with curtain wall being the one and only express exclusion from the GUC.

*A window wall is a window, not a wall*

The CCCMC submission mischaracterises a window wall as a complete façade system separate from any type of window.<sup>15</sup> That mischaracterisation contradicts both industry usage and the physical and constructional reality of the product:

- a wall is the non-transparent, solid component of a building façade;
- a window is an opening (or transparent element) in that wall; and
- a window wall is, consistent with industry usage and ordinary vernacular, a wall *made of* windows.

CCCMC contends:<sup>16</sup>

*For projects involving 10-storey and above buildings, imported window wall systems are commonly installed through integrated anchoring to columns or shear walls, continuous façade installation across the elevation, or unitised prefabricated installation. The slab-edge floor-to-floor method is used only in a limited subset of low-rise projects. These are not trivial distinctions. They go directly to whether the products are properly understood as façade systems whose performance depends on system-level design and integration with the building structure – as compared to windows and doors.*

The assertion that installation methodology (whether anchored to columns or shear walls, installed across an elevation or supplied in a unitised prefabricated form) determines whether it is a window or a façade system is fundamentally flawed. How a window is installed does not change what it is. Installation methodology concerns the manner in which a product is incorporated into a building. It does not determine the identity or classification of the product itself.

CCCMC also mischaracterises window walls as complete façade systems. In practice, window walls do not themselves form an entire façade. They are vertically discontinuous and are interrupted at each floor

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<sup>15</sup> Ibid, p. 6.

<sup>16</sup> Ibid, p. 10.



slab. This remains the case even where the visual treatment of the completed elevation creates an appearance of continuity across multiple storeys.

Some window wall systems may incorporate proprietary slab-edge covers, cover plates, flashings, sub-frames or other components that conceal or treat the floor slab and connect the window units to the surrounding building structure. Those components are ancillary wall or façade elements. They are physically and functionally distinct from the glazed aluminium window units themselves.

Deliberately or otherwise, CCCMC conflates the window product with the ancillary building elements that surround, conceal and support it. In doing so, it also conflates product attributes and installation requirements with product classification. The fact that a window is designed for installation within a sophisticated façade assembly, or requires anchoring, weatherproofing or structural integration, does not deprive it of its essential character as a window.

Windows exist across a broad spectrum of applications. They may be individually installed in masonry openings, connected floor-to-floor, assembled into larger modules or incorporated into complex high-rise façade designs. The distinctions identified by CCCMC are therefore differences of degree, complexity and application, not differences of product-kind. The same classification principle applies regardless of building height or installation complexity.

The issue is not whether the completed façade depends upon system-level design and integration with the building structure. Most building products must be appropriately designed, connected and integrated to perform their intended function. The issue is whether the underlying glazed aluminium units incorporated into the assembly are aluminium windows. CCCMC's reliance on the characteristics of the completed façade assembly avoids that question.

*The CCCMC's reliance on the Section C UWM references is misconceived*

The CCCMC devotes a substantial proportion of its argument on scope to a single passage of the Application that references unitised wall modules (UWMs).<sup>17</sup> The CCCMC's argument, as the applicants understand it, runs as follows: (i) the only references to wall products in the Application appear in a passage in Section C (the countervailing/subsidy section); (ii) that passage describes window walls and curtain walls as styles of UWM; (iii) the same passage describes UWMs as differing from smaller windows and doors in design, scale, and structural performance; and (iv) the CCCMC therefore says that the applicants have themselves conceded that window walls are not AWDs and fall outside the GUC.

The CCCMC presents that argument as the *...plain...* reading of the *...applicants' own words...* of the Application. With respect, it is anything but. The argument is misconceived across four fronts:

- a. Context: the applicants' UWM references appear in Section C of the Application, the section addressing the subsidisation aspect of the case. The applicants' purpose in referring to UWMs in Section C was to advance the contention that a Canadian countervailing finding on Chinese exports of UWMs evidences the Chinese government's subsidisation of upstream aluminium inputs, and that those upstream subsidies flow through into AWDs as well, because UWMs and AWDs share the same core upstream materials (namely, aluminium extrusions and glass).

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<sup>17</sup> Ibid, section B.1, pages 6 – 7.



The UWM references in the Application are presented as evidence of upstream subsidisation. They are not a delimitation of the scope of the GUC. The scope of the goods was, and is, addressed in Section A of the Application and in the section 269TC(4) notice that the Commissioner adopted at initiation, neither of which makes any reference to UWMs.

- b. Purpose: the single passage on which the CCCMC's argument rests is at page 79 of the Application:

*While large curtain wall and window wall systems differ from smaller windows and doors in terms of design, scale, and structural performance, they share fundamental similarities as they are primarily constructed from glass and aluminium extrusions. As both product types rely on these core materials, the applicants submit that an affirmative Chinese countervailable subsidy finding on UWMs logically extends to AWDs.*

The purpose of that passage is the applicants' contention that, notwithstanding differences in scale and structural performance between UWMs and AWDs, the two product categories share the same core upstream materials, such that a Canadian countervailing finding on UWMs is properly evidence of upstream subsidies that flow into AWDs as well. The sentence is an argument for unified subsidy treatment. The CCCMC mischievously conveys that passage as if it were instead a concession that window walls are not AWDs. That reading inverts the purpose of the sentence: a contextual framing deployed in service of a subsidy-extension argument cannot, in fairness, be reverse-engineered into a scope-exclusion concession that the applicants did not make.

- c. The particulars of the goods: the CCCMC's submission opens with the proposition that the scope of the GUC is *...defined by, and only by, the description of the goods set out in the notice of initiation pursuant to section 269TC(4)...*, and that, *...[w]ith respect to the scope of the goods, 'once set, the goods description cannot currently be amended.'*<sup>18</sup>

The CCCMC's own references to UWMs in Section C of the Application (i.e. material that sits outside the s.269TC(4) notice) does not expand, contract, or qualify the scope of the GUC. Yet the central premise of the CCCMC's scope argument is to incorporate those Section C UWM references back into the GUC, in order to imply an exclusion of window walls that the s.269TC(4) notice itself does not contain.

The CCCMC cannot hold both positions simultaneously. If the s.269TC(4) notice alone controls the scope (as the CCCMC initially insists), then the Section C UWM references are irrelevant to scope and the CCCMC's argument fails on its own logic.

If, alternatively, extraneous material is admissible in determining scope, then the Australian Standard AS 2047 (which expressly defines a window wall at clause 1.3.43 as a series of multi-light windows), the NCC's defined term for "window", and the Chinese AWD supply chain's own express representations of AS 2047 compliance in quotations marketed to Australian builders

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<sup>18</sup> Ibid, p. 5.



(see above industry injury examples) are equally and more directly admissible. Each of those is unambiguously incompatible with the CCCMC's contention.

- d. The AS2047 definition: however Section C was narrated in the entirely distinct context of a subsidy argument, it is AS2027 that defines window wall. A product expressly defined by the relevant Australian standard as a series of windows cannot rationally be characterised, for the purposes of the GUC of this investigation, as not a window. This is the case regardless of how the applicants may have grouped window walls with curtain walls within a broader category descriptor (UWM) for the entirely separate purpose of supporting a Canadian-subsidy extension argument in Section C of the Application.

In substance, the CCCMC's UWM-based argument plucks a single framing sentence from a subsidy argument; it deploys that sentence as if it rewrote the s.269TC(4) goods description (notwithstanding the CCCMC's own foundational position that the s.269TC(4) notice alone defines scope); it ignores the AS 2047 product-standard definition of window wall as a series of windows; and it asks the Commission to determine the GUC scope question on a logic that, on the CCCMC's own approach to interpretation, the Commission should not entertain. The CCCMC's UWM argument cannot bear the weight CCCMC seeks to place on it. The Commission should accordingly disregard.

#### Variation in physical characteristics

The CCCMC submission cites a range of physical and constructional attributes, including profile weight (4.5-8.0 kg/m for window walls versus 1.2-2.5 kg/m for Class 1 building windows), wall thickness (3.0-5.0 mm versus 1.4-2.0 mm), glazing typology, sub-framing, and installation method.<sup>19</sup> This apparently supports an argument that window walls and AWDs are different products.

Those attributes simply reflect the wide range of building typologies in which aluminium windows are deployed – from basic suburban housing through to high-rise commercial and high-end architectural projects. There is no clear line of demarcation. For example, a window designed for a sheltered suburban Melbourne location will differ vastly in profile weight, wall thickness, glazing and structural detailing from an aluminium window rated for cyclonic regions exceeding 300 km/h wind speeds. The two are, nonetheless, both unambiguously aluminium windows.

The same principle applies to window wall systems. Products installed as window walls remain fundamentally aluminium window and door assemblies; however, depending on size, building classification, design, exposure, and geographic location, they may be required to meet higher, engineered performance criteria for wind, water, air infiltration, and structural capacity, particularly in multi-storey applications. These performance enhancements do not alter their essential character, they remain aluminium windows and doors and are not transformed into a distinct, non-GUC product.

#### AS/NZS 4284 supports the window classification

The CCCMC submission contends that the testing of window walls under AS/NZS 4284 (a façade test standard) places them outside the category of windows.<sup>20</sup> That rationale misunderstands the regulatory architecture of AS/NZS 4284.

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<sup>19</sup> Ibid, p. 10.

<sup>20</sup> Ibid, p. 9.



The NCC stipulates that where AS/NZS 4284 is used as a verification method for a performance solution that includes windows and doors, it is only valid when applied to windows that themselves comply with AS 2047.<sup>21</sup> This links window and door products used to make window walls to the product standard (AS 2047) that governs aluminium windows. The AS/NZS 4284 façade test does not transform the windows within a window wall into a non-window product; it tests their performance in their installed configurations.

#### The MCC structure accommodates window walls

The first three categories of the MCC structure, as adopted at initiation, defines the goods across three dimensions: Category 1 (Door/Window), Category 2 (Assembly: Fully Assembled / Partially Assembled), and Category 3 (Type: Sliding window, Fixed window, Awning window, Sliding door, Stacker door, Louvre window, Other door, Other window).

A window wall, typically supplied in unitised, partially-assembled form and containing predominantly fixed window units, is readily accommodated within the existing MCC structure as W – PA – AFW (Window, Partially Assembled, Fixed window) or, where appropriate, W – PA – AOW (Window, Partially Assembled, Other window). The absence of any “Wall” entry in Category 1, and the absence of any “window wall” entry in Category 3, is not a gap in the MCC. Rather, it reflects the obvious point that window walls are not a separate product category but a configuration of window products that fits readily within the existing categorisation.

#### CCCMC’s reasonings are fundamentally inconsistent

In summary, the CCCMC submission argues two inconsistent propositions:

- that the GUC description must be read narrowly, such that anything not specifically *included* is excluded (in respect of window walls); and
- that the express *exclusion* of curtain walls implies, by negative inference, the exclusion of other (unrelated) wall-type products.

Logic stands that both cannot apply. If the GUC description is to be read strictly to its terms (the first proposition), then the only exclusion is curtain wall, and window walls fall within the GUC. Conversely, if the exclusion of curtain wall is to carry other implied exclusions (the second proposition), then it does so by confirming that the goods description, but for the curtain-wall carve-out, captures the full range of aluminium window products, including window walls. Either way, the CCCMC’s position fails.

## 5. Conclusion

For the reasons set out in section B above, the applicants respectfully request that the Commission:

- make a PAD under section 269TD of the Act at the earliest possible opportunity, and that, upon making that determination, the Commonwealth require and take securities under section 42 of

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<sup>21</sup> See, by way of example, AS 2047, Note 4 to clause 1.1 which states: *For the performance specifications of building facades, see AS/NZS 4284. Conformance to the requirements of AS/NZS 4284 will be deemed to satisfy the requirements of this Standard, provided the windows have been tested to AS 4420.3 (operating force test).*



the Act sufficient to prevent further material injury to the Australian industry while INV 691 continues;

- comprehensively monitor the emergence of AWD imports from Vietnam; and
- confirm that window wall systems fall within the GUC as already described in the Application and the section 269TC(4) initiation notice, and reject the CCCMC's contention to the contrary.

For and on behalf of the Australian Industry Applicants