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EXEMPTION APPLICATION¹

Case No.: 691, the Investigation into Aluminium Windows and Doors
Exported from the People's Republic of China

Submitted by: ALLBRIGHT Law Firm ("ALLBRIGHT")

On behalf of: Broad Windows and Doors and Curtain Wall System Co., Ltd.
("BROAD")

Date: August 7, 2026

To: The Australian Anti-Dumping Commission

1. THE GOODS SOUGHT TO BE EXEMPTED

ALLBRIGHT respectfully requests that the Australian Anti-Dumping Commission ("ADC") exempt the following goods from dumping and countervailing duties of this case:

Aluminium windows and doors:

(1) for installation in buildings classified as Class 2 or above under the National Construction Code ("NCC")²; and

(2) the subject construction project has a gross floor area exceeding a threshold to be determined by the Commission. For the Commission's consideration, ALLBRIGHT proposes that such threshold be set at no less than 2,000 square metres.

2. STATUTORY LEGAL GROUNDS FOR EXEMPTION

¹ This document constitutes BROAD's formal Exemption Application for the purposes of Case No. 691. A separate non-public version of this Exemption Application has also been filed alongside this public version.

² The National Construction Code ("NCC"), published by the Australian Building Codes Board ("ABCB"), establishes Australia's national standards for the design and construction of buildings and other structures. Under Part A6 (Building Classification) of the NCC, buildings are classified into Classes 1 to 10 according to their use and occupancy. References in this submission to "Class 2 and above" buildings are made by reference to these NCC classifications. The NCC is available at <https://ncc.abcb.gov.au/>.

This application for exemption is brought pursuant to sections 8(7) and 10(8) of the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act).

These statutory provisions permit goods to be exempted from dumping and countervailing duties where the following statutory test is satisfied:

“that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade.”

ALLBRIGHT submits that the goods defined in Section 1 of this Application fully satisfy the above statutory test and are eligible for the exemption sought.

3. SUBSTANTIVE REASONS SUPPORTING THIS EXEMPTION APPLICATION

3.1 The subject goods form a distinct, separate commercial and functional market segment

The goods subject to this exemption request are not ordinary residential windows and doors supplied to detached houses or other Class 1 buildings.

Rather, they are goods specifically manufactured for medium- and large-scale construction projects, including multi-residential, mixed-use, commercial, institutional and other Class 2 and above developments.

Such projects typically require:

- compliance with more stringent NCC requirements;
- project-specific engineering and design;
- enhanced structural and performance specifications;
- large-volume manufacturing capability;
- sophisticated logistics and project management; and
- coordinated installation schedules across substantial construction developments.

Accordingly, the goods concerned represent a distinct commercial and functional market segment that differs materially from goods supplied to Class 1 residential dwellings.

3.2 The proposed identification criteria are objective, verifiable and practically enforceable by Customs.

The goods will qualify for exemption where:

(a) the building in which the goods is to be installed is classified as Class 2 or above under the NCC; and

(b) the relevant project has a gross floor area exceeding a threshold to be determined by the Commission, and ALLBRIGHT proposes that such threshold be set at not less than 2,000 square metres.

These criteria can be readily established through project documentation maintained in the ordinary course of business, including building permits, development approvals, architectural plans and construction records.

The proposed exemption therefore provides clear boundaries that can be consistently applied by importers, customs authorities and other stakeholders.

3.3 Australian domestic manufacturers cannot supply competing goods on equal commercial terms (satisfying the statutory test under ss.8(7) & 10(8)).

Based upon information available in the Australian market, Australian manufacturers predominantly supply aluminium windows and doors for Class 1 residential construction.

While certain Australian manufacturers may possess the technical capability to produce goods suitable for some Class 2 and above projects, there is limited evidence that Australian producers can commercially supply large-scale projects exceeding 2,000 square metres on a consistent and competitive basis.

Projects of this scale generally require:

- substantial manufacturing capacity;
- specialised engineering resources;
- significant labour availability;
- sophisticated procurement systems;
- large-scale logistics capability; and
- the ability to meet strict project delivery schedules.

In practice, Australian developers and builders frequently rely upon imported goods for these projects because domestic supply is either unavailable or insufficient to satisfy project requirements.

Accordingly, the goods covered by this exemption request are not supplied by Australian manufacturers in commercially sufficient quantities and therefore do not materially overlap with the principal market segment served by the Australian industry.

For this reason, Australian manufacturers do not supply goods that are like or directly competitive with the subject exemption products in commercially meaningful quantities. The statutory test – that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to trade custom and usage – is therefore satisfied for the goods sought to be exempted.

3.4 Market Evidence

The Australian market for aluminium windows and doors is segmented according to project type, building classification and project scale.

Class 2 and above projects exceeding 2,000 square metres differ substantially from Class 1 residential construction in terms of:

- engineering complexity;
- certification requirements;
- procurement processes;
- production volumes;
- project management requirements; and
- commercial risk allocation.

As a result, suppliers competing in this segment require capabilities that are materially different from those typically associated with the supply of windows and doors for detached residential housing.

ALLBRIGHT respectfully submits that available market evidence demonstrates that imports are an essential source of supply for this segment of the Australian construction market.

ALLBRIGHT provides a list of nine qualifying construction projects, all of which are Class 2 or above buildings with a gross floor area of no less than 2,000

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square metres. For each listed project, all bidders and the successful tenderer are overseas exporters from China, with no Australian domestic manufacturers participating in the tendering process. The full project list is attached to this Request for the Commission's reference.

3.5 Customs Administrability

The proposed exemption can be administered in a practical and efficient manner.

At the time of importation, importers may provide documentation demonstrating that the imported goods are intended for a qualifying project, including:

- building permits or development approvals;
- documentation identifying the NCC classification of the building;
- project documentation confirming the gross floor area;
- purchase orders;
- supply agreements;
- project specifications; and
- other documentation linking the imported goods to the relevant construction project.

These documents are routinely generated and maintained in the ordinary course of business and can be readily verified by customs authorities.

Accordingly, the proposed exemption is objective, transparent and administratively workable.

4. CONCLUSION AND FORMAL RELIEF SOUGHT

For all statutory, factual and practical reasons outlined above, ALLBRIGHT respectfully requests the ADC grant an exemption under sections 8(7) and 10(8) of the *Customs Tariff (Anti-Dumping) Act 1975* for the following goods: Aluminium windows and doors: (1) for installation in buildings classified as Class 2 or above under the National Construction Code ("NCC"); and (2) intended for construction projects with a gross floor area above a threshold proposed to be 2,000 square metres (subject to the Commission's

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final determination).

The goods satisfy the critical statutory test set out in the Dumping Duty Act: “that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade.”

The key supporting submissions can be summarized as follows:

(a) The subject goods form a distinct, separate market segment with unique technical and commercial requirements;

(b) Australian domestic manufacturers lack sufficient consistent commercial supply capacity for this segment;

(c) Exemption eligibility can be assessed via objective, independently verifiable documentary criteria; and

(d) The proposed exemption framework can be readily administered by Australian Border Force at customs clearance.

ALLBRIGHT respectfully requests the ADC give full and favourable consideration to this Exemption Application and grant the exemption relief sought herein.

Yours faithfully,

ALLBRIGHT Law Firm
Partner, Dr. Yubin (Stone) Shi



August 7, 2026

(Attached hereto: LIST of eligible Class 2 and above construction projects with gross floor area of no less than 2,000 square metres, for the Commission's consideration. The public version of this LIST has been redacted to remove commercially sensitive information.)

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LIST

of eligible Class 2 or above construction projects with a gross floor area of no less than 2,000 square metres for the Commission's consideration.

No.	Project Name	Project Location	Building Classification	Gross Floor Area	Bidding Time	Bidder	Bidding Entities Participating in Window and Door Procurement (Including the <u>Winning Bidder which is in bold and underlined</u>)
1	Warrs Road	41 Warrs Road, Maribyrnong	Class 2+Class5+Class10a	13360.64 (m ²)	2025/6/25	NON-PUBLIC	NON-PUBLIC

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2	Oriel Road	25ORI-96 Oriel Road, Bellfield, VIC 3081	Predominan tly Class 2	8112 (m ²)	2025/6/25	NON-PUBLIC	NON-PUBLIC
3	De Burgh	38 De Burgh street ,Lyne ham ACT Australia	Predominan tly Class 2	10500 (m ²)	2023/12/24	NON-PUBLIC	NON-PUBLIC

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4	Monarch	600 Coronation Drive Toowong, QLD 4066	Class 2+Class 10a	15000 (m ²)	2024/6/25	NON-PUBLIC	NON-PUBLIC
5	50 QUAY ST	50 Quay Street, Brisbane QLD 4000	Class 2+Class 10a	13000 (m ²)	2024/12/22	NON-PUBLIC	NON-PUBLIC

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6	Parkline	21 King William Street, Kent Town, SA 5067	Predominantly Class 2	7998 (m ²)	2024/7/6	NON-PUBLIC	NON-PUBLIC
7	162-180 Clarendon St	162-180 Clarendon Street & 63-69 Market St, South Melbourne	Class 2+Class 5	12000 (m ²)	2025/4/30	NON-PUBLIC	NON-PUBLIC

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8	LOUISE	8 Louise Street, Melbourne VIC 3004	Predominantly Class 2	18000 (m ²)	2024/1/15	NON-PUBLIC	NON-PUBLIC
9	Mercure Melbourne La Trobe Street	488 LA TROBE STREET, WEST MELBOURNE	Class 3	12000 (m ²)	2024/8/6	NON-PUBLIC	NON-PUBLIC

- As demonstrated by the foregoing project data, in recent years' Australian Class 2 and above construction projects with a gross floor area exceeding 2,000 square metres, no Australian domestic enterprises have participated in the tendering process across all nine representative projects, with all successful tenderers being Chinese enterprises exclusively.

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