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PUBLIC RECORD

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Investigations 1
Australian Trade Remedies Commission
By email: investigations1@atrc.gov.au

Dear Commissioner,

Investigation 691: Aluminium windows and doors exported from the People's Republic of China
Submission in response to Statement of Essential Facts 691: skylights are outside the goods under consideration

Susan Danks Tariff Consulting Pty Ltd acts for Luminor Pty Ltd ("Luminor") and lodges this submission on its behalf. In this submission, "we" and "our" refer to Luminor. Luminor's authority for Susan Danks Tariff Consulting Pty Ltd to act for it is at Attachment E.

1. Summary

We ask the Commission to state in its final report that aluminium-framed skylights (also called roof windows or rooflights) and roof access hatches are not within the goods under consideration ("the goods").

If the Commission considers that they are within the goods, we ask in the alternative that the goods description be amended to expressly exclude them. Proposed wording is in section 8.

Separately, several of our larger made-to-order units exceed the dimensional thresholds in the goods description and are outside the goods on its plain words (section 5). That point is in addition to our main request, which applies to all of our skylights whatever their size.

Please treat this letter as a submission in response to Statement of Essential Facts 691 ("SEF 691") under s.269TEA(3)(a)(iv) of the Customs Act 1901. This letter is non-confidential and may be placed on the public record. Attachments B and C are confidential, and non-confidential summaries of them are attached for the public record.

2. Who we are

Luminor is a small, Australian-owned supplier of fixed and motorised architectural skylights, based in Bennetts Green, NSW. We operate a product showroom and are establishing an Australian distribution facility that employs local staff.

We import our skylights from Foshan Watte Intelligent Doors and Windows Co. Ltd ("Foshan Watte"), which trades under the Watte brand. The customs entry for our first shipment shows the supplier as "Foshan Watt", a shortened form of the same name. Foshan Watte was not examined in the investigation and is not a selected or residual exporter in SEF 691. Our only shipment of skylights to date left Shekou on 21 October 2025 and was entered for home consumption on 30 October 2025 (entry AFFTY43CX), almost four months after the investigation period ended.

That shipment was entered in the name of Make Windows & Doors Pty Ltd ("Make"), a commercial aluminium window and door subcontractor in Newcastle. Our director, Nathan McGeachie, is also the sole director of Make. The shipping agent was bringing in containers for Make at the same time and entered our skylights in Make's name in error. All future shipments of skylights will be imported by Luminor. Make is a member of the Australian Glass and Window Association ("AGWA"), one of the applicants. Make's window and door business is separate and is not the subject of this submission.

We are an interested party as an importer. This submission concerns our skylight range only.

3. The goods description does not mention skylights

The goods description, as set out in section 3.3 of SEF 691, reads:

> *"Aluminium windows and doors, whether fully or partially assembled, including their frames, panels, and sashes, with or without glass, whether or not thermally broken, whether or not including hardware, up to the following dimensions:*
>
> *for window assemblies or partial assemblies (including window frames, panels and sashes), up to and including 3.0 metres high and up to and including 4.0 metres wide; and*
>
> *for door assemblies or partial assemblies (including door frames, panels and sashes), up to and including 3.0 metres high and up to and including 7.0 metres wide.*
>
> *Exclusions: Curtain wall products."*

We accept that the description is broad. It covers windows in any state of assembly and with or without glass or hardware. But it describes windows and doors and says nothing about roof glazing. Skylights, roof windows, rooflights and roof hatches are not mentioned in the goods description, in SEF 691, in Trade Remedies Notice 2026/147, in the application or in the applicants' submissions on the public record.

Skylight, roof window and rooflight are different names for the same product. AS 4285-2019 uses "rooflight" as the general term covering skylights, roof windows and tubular skylights (clause 1.4.12). In this submission, "skylights" includes roof windows and rooflights. A roof window is a rooflight installed in the roof plane. It is not a window within the goods, whatever it is called on an invoice.

4. All of our skylights are installed in the roof plane

All of our skylights are aluminium-framed and glazed and are installed in the roof plane. None are installed in walls. Many are motorised, with integrated controls. Our standard range of 23 fixed, electric and circular models, which we will hold in stock in Australia, runs from 671 × 600 mm to 1271 × 1800 mm, and up to 1500 mm in diameter (Attachment A). All other products are made to order to each project's dimensions. The figures below are maximum sizes for the made-to-order range from our 2026 brochure (Attachment D).

Type	Models	Maximum size (brochure)	Where installed
Sliding skylights (motorised roof sections)	LM-DS109 LM-S40 LM-S150A LM-S150B	20 m²; 6.0 m × 4.0 m 4.0 m × 2.0 m 30 m²; 6.0 m × 5.0 m 50 m²; 6.0 m × 8.0 m	Flat or pitched roof
Retractable skylight	Retractable	20 m²; 6.0 m × 3.5 m	Flat or pitched roof
Electric rising skylights	LM-R115 LM-DR121	12 m²; up to 6.0 m long 36 m²; 4.0 m × 9.0 m	Flat roof
Top-hung skylight and roof access hatch	LM-R90	4 m²	Roof
Ultra-narrow skylights	LM-R30 LM-DR42	4 m²	Pitched or flat roof

Type	Models	Maximum size (brochure)	Where installed
Floor-flush (walk-on) skylights	LM-R42	3 to 5 m²	Trafficable roof deck
Stairwell skylight (roof enclosure over a stair)	LM-S109L	Sash up to 4.0 m long	Roof terrace
Custom shapes (circular, dome, pyramid, diamond, triangle)	Made to order	Varies	Roof

5. Our larger units exceed the dimensional thresholds

The goods description covers window assemblies "up to and including 3.0 metres high and up to and including 4.0 metres wide". At their larger sizes, the LM-S150B, LM-S150A, LM-DS109, retractable, LM-DR121 and LM-R115 units exceed those limits on any reading. In deciding that window wall is within the goods, the Commission asked whether the product "satisfies the physical and dimensional parameters specified in the goods description" (SEF 691, section 3.8). Units of these sizes do not, whether or not skylights are otherwise within the goods. This point applies to our larger made-to-order units only. Our standard range is within the dimensional thresholds, and our requests in sections 6 to 8 apply to all of our skylights, whatever their size.

The thresholds are written for units installed in a wall. A skylight is laid horizontally or at a low pitch, so it has no "height" in that sense. We ask the Commission to confirm how height and width are to be measured for a unit installed in a roof, so that importers and the Australian Border Force ("ABF") can apply the thresholds consistently.

6. Skylights are a different product from the goods

Skylights are roof elements

Skylights are designed, tested and installed as roof elements. Our skylights sit in the roof plane and form part of the roof's weatherproofing, with an integral kerb or upstand and roof flashing (Attachment C). Our installation drawings show each standard model fixed to a timber upstand framed between the roof rafters, with the roof sheeting flashed up to the skylight frame. None of this is part of installing a window in a wall. The glazing is a double-glazed unit with an outer pane of 6 mm toughened low-E glass and an inner pane of 11.14 mm laminated glass, so that broken glass is held in place over the room below. Several are designed to be walked on (LM-R42) or to give access to a roof terrace (LM-R90 and LM-S109L).

SEF 691 treats roofs separately

The glossary to SEF 691 defines the building envelope as "walls, roofs, windows and doors", listing roofs as a distinct element (SEF 691, Glossary).

Skylights have their own Australian Standard

Windows and external glazed doors are covered by AS 2047 Windows and external glazed doors in buildings. Skylights are covered by AS 4285-2019 Rooflights. In considering window wall, the Commission accepted that the standard applicable to a product "provides relevant information concerning its technical characteristics, performance requirements and intended application", although the standard does not of itself establish whether a product falls within the goods description (SEF 691, section 3.8). We rely on the standards on that basis, as evidence of what a skylight is. SEF 691 does not refer to AS 4285 or to skylights at any point. AS 4285 applies to factory-manufactured natural lighting systems installed into roofs, "including

skylights, roof windows and tubular skylights" (clause 1.1). It defines a rooflight as a skylight, roof window or tubular skylight installed in a roof with a pitch of up to 70 degrees, to let natural light into the room below (clause 1.4.12). The 2019 edition changed the title from Skylights to Rooflights to align with the terminology of the National Construction Code, and the standard was prepared by Standards Australia committee BD-075, Skylights, at the proposal of the Skylight Industry Association (Preface). Skylights have their own standard, their own standards committee and their own industry association.

We note that the National Construction Code ("NCC") defines "window", for its own purposes, to include "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". That definition is functional. It identifies the openings that count towards natural light in a room. It does not make a glass block an aluminium window, and it does not make a skylight one either. The applicants also cite this definition on the public record (electronic public record ("EPR") item 440), but only to show that a window wall is a window. By listing a roof light as something the definition "includes", the NCC treats it as distinct from a window in its ordinary sense. AS 2047 itself draws the line. Among the products "not covered by this Standard", it lists "Skylights and roof lights and windows in other than the vertical plane" (clause 1.1, Note 5(d)). The same clause notes that the window walls it covers do not include curtain walls. The applicants themselves submit that, in reading the words "aluminium windows and doors", "it is plainly legitimate to have regard to the relevant Australian product standard (AS 2047)" (EPR 440). On that approach, skylights are not windows within the goods.

The reason is practical. Glazing laid flat or on a low slope carries different structural loads, weathering and safety hazards from a vertical window, including foot traffic and falling debris. That is why skylights are tested under AS 4285-2019 for watertightness at low pitches, concentrated loads and wind uplift, and why their glass must meet the overhead glazing requirements of AS 1288 Glass in buildings. Our test reports applied the AS 1288 maintenance load of 1.1 kN for glass inclined at less than 30 degrees to the horizontal.

Two of our skylights have been tested to AS 4285-2019 by Ian Bennie & Associates, a laboratory accredited by the National Association of Testing Authorities ("NATA") (Accredited Laboratory No. 2371):

- the WT-DR56 electric operable skylight, 1600 × 1600 mm (Test Report 2025-078-S1, March 2026); and
- the WT-DR56-F fixed skylight, 1600 × 1600 mm (Test Report 2025-078-S2, March 2026).

The tested WT-DR56 and WT-DR56-F units use the same frame, glazing and upstand as our standard range, which sells the same product under new model numbers in the sizes listed at Attachment A. Both samples were installed to a fibre cement board lined roof, and both passed the AS 4285-2019 requirements for watertightness, resistance to concentrated loads and resistance to wind pressure in non-cyclonic regions. The watertightness tests were carried out at roof pitches from 0° to 27°.

In plain terms, these products were tested as roof elements, flat or at a low pitch, as no wall window is installed. The reports are at Attachment B. We raise the standards to show what the product is, not as a quality or compliance argument.

The model control code does not identify skylights

The model control code in SEF 691 (Table 9) names sliding, fixed, awning and louvre windows and sliding and stacker doors, each a wall-mounted type, with height bands up to 3,000 mm. It has catch-all categories for "other window" and "other door", but nothing in it identifies roof glazing, motorised retracting roof sections or roof access hatches.

There is no evidence about skylights in the investigation

SEF 691 does not identify any Australian industry member that produces motorised sliding, retractable or rising skylights, walk-on skylights or roof hatches. Its like goods findings rely on verification of Ventora's manufacturing facilities and information from supporting industry members (section 3.6), and its market, injury and tender analysis, including section 9.6.1, concerns window and door packages. The Australian industry the Commission examined, and the injury it found, concern windows and doors only. At least one AGWA member, Skyspan Australia Pty Ltd ("Skyspan"), makes skylights and roof access hatches in Australia. But SEF 691 does not identify Skyspan or any other skylight maker as part of the Australian industry examined, and, as far as we are aware, no skylight maker has claimed injury from imports of skylights. AGWA's membership is broad. Make, a window and door subcontractor, is itself a member. Membership of an applicant association does not make a member's products part of the goods. Skyspan is not among the 21 Australian industry members that the Commission lists as supporting the application (EPR 450). To our knowledge, none of Ventora's brands (Stegbar, Trend and Corinthian) offers skylights or roof windows. The skylight brands we compete with are, as far as we know, mostly made overseas: Velux mainly in the United States for the Australian market, Vivid Skylights in China and Keylite in Poland. Skyspan sells Velux products in its standard range and also makes its own range in Australia.

7. Skylights should have their own express exclusion

The goods description excludes "curtain wall products". A curtain wall is an aluminium-framed, glazed building element, yet it is outside the goods falling within this review. SEF 691 does not say why curtain walls were excluded. But in finding that window wall is within the goods, the Commission distinguished it from curtain wall by "relevant differences in their configuration and relationship with the building structure" (section 3.8).

On that test, skylights differ from windows fundamentally. A window sits in an opening in a wall. A skylight is laid flat or at a low pitch and forms part of the roof, with its own kerb, upstand and flashing. AS 2047, the standard for windows, does not cover skylights or curtain walls (section 6). The Commission declined to extend the curtain wall exclusion to window wall on the basis of shared characteristics (section 3.8), so we do not ask for that. We ask for a separate express exclusion for skylights, for the reasons in this submission.

8. What we ask the Commission to do

a. State expressly in the final report that aluminium-framed skylights, roof windows, rooflights and roof access hatches, including sliding, retractable, rising, top-hung, ultra-narrow, floor-flush, stairwell and custom-shape skylights, are not within the goods.

b. In the alternative, amend the goods description to add the following exclusion:

> *"Skylights, roof windows, rooflights and roof access hatches, being glazed units designed for installation in a roof plane, whether fixed, manually operable or motorised."*

c. Confirm that units exceeding the dimensional thresholds are outside the goods, and how height and width are measured for a unit installed in a roof.

d. Ensure the Dumping Commodity Register reflects the outcome, so the ABF can apply it when skylights are entered.

e. In the further alternative, consider an exemption for skylights under s.8(7) of the Customs Tariff (Anti-Dumping) Act 1975, as the Commission is doing for the exemption requests listed in Table 10 of SEF 691. If the Commission does not accept an exemption for skylights generally, we ask that it consider one for the products least likely to have an Australian equivalent: our large motorised sliding and retractable roof systems (LM-S150A, LM-S150B, LM-DS109 and the retractable skylight)

and our walk-on skylights (LM-R42). To our knowledge, no Australian manufacturer offers a comparable range of large motorised roof systems.

9. Tariff classification does not decide scope

Our skylights have been entered under tariff classification 7610.10.00, statistical code 12, which is the classification the Commission used to identify imports of the goods (SEF 691, section 5.6). Our larger sliding and retractable roof systems may more correctly be classified under 7610.90.00, statistical code 13, which covers other aluminium structures including "roofs, roofing frameworks".

We understand that the goods description, not the tariff classification, determines whether goods are within scope. We therefore ask the Commission to address skylights directly, so that our entries are treated consistently at the border whichever classification applies.

10. Securities taken on skylights should be refundable

We have not entered any skylights since 15 October 2026. Our next shipments are being held in China until the scope of the measures is clear. We ask the Commission to make its position on skylights clear in the final report, so that any securities taken on goods confirmed to be outside the goods can be refunded by the ABF.

11. Securities of 73.3% fall on a small Australian business

Luminor is a small, Australian-owned business investing in a local showroom and distribution facility. Because Foshan Watte was not examined, securities at the rate for all other exporters, 73.3% (SEF 691, Table 1: a dumping margin of 70.4% plus a subsidy margin of 2.9%), would apply to a product the investigation has not examined. On our only shipment to date, with a customs value of $44,652, securities at that rate would have been about $32,730. That cost falls on a local business and its staff, for no benefit to the Australian industry producing the goods. Rather than pay securities at that rate on a product the investigation has not examined, we are holding our next shipments in China, which delays supply to our customers until scope is resolved.

12. Conclusion

Skylights were not examined in this investigation. They should not be caught by it.

We would be happy to provide drawings, technical data sheets, AS 4285 test reports or a product demonstration at our Bennetts Green showroom.

Please direct any questions about this submission to me.

Yours faithfully,



Susan Danks
Principal and Director | Licensed Customs Broker
Susan Danks Tariff Consulting Pty Ltd
On behalf of Luminor Pty Ltd (ABN 24 687 154 507)

Attachments

A. Luminor Standard Series Skylight Product Range, product data sheet issued 27 October 2026
B. Ian Bennie & Associates AS 4285-2019 Test Reports 2025-078-S1 (WT-DR56, operable) and 2025-078-S2 (WT-DR56-F, fixed) (CONFIDENTIAL). A non-confidential summary is attached for the public record.
C. Luminor Installation Guide: skylight details, drawings A01 to A19, showing the upstand, roof sheeting and flashing for each standard model (CONFIDENTIAL). A non-confidential summary is attached for the public record.
D. Luminor 2026 brochure, skylight section only (retractable, sliding, stairwell, electric rising, top-hung, ultra-narrow, floor-flush and custom-shape skylights)
E. Authority to act from Luminor Pty Ltd to Susan Danks Tariff Consulting Pty Ltd