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Investigation No. 691 – Alleged dumping and subsidisation of aluminium windows and doors exported from the People's Republic of China – Submission in response to Statement of Essential Facts No. 691

2 November 2026

The Commissioner
Australian Trade Remedies Commission

By email: ***investigations1@atrc.gov.au*** *(Investigations Unit 1; case manager Ms Neletta Lopa)*

Item	Detail
Submitter	Hickory Construction Group Pty Ltd, ABN 37 616 961 196
Role in the investigation	End user
Address	Level 5, 68 Clarke Street, Southbank VIC 3006
Contact	Steve Stavrou [email provided to the Commission]
Submission in response to	SEF 691 published 14 October 2026; lodged within the 20-day period under section 269TEA(3) of the Customs Act 1901
Versions lodged	Confidential version and this non-confidential version for the public record

Dear Director – Investigations 1,

I am writing on behalf of Hickory Construction Group (Hickory), an Australian manufacturing-led property and construction business.

This document is intended as a non-confidential submission to the Australian Trade Remedies Commission (the Commission) in response to the Statement of Essential Facts (SEF) for Investigation No. 691 – Aluminium windows and doors exported from the People's Republic of China. It sets out Hickory's comments on the availability of suitable domestic alternatives and the broader market and industry impact of the proposed measures. This submission is suitable for publication on EPR 691.

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I would like to raise several concerns regarding the broad application of the proposed anti-dumping and countervailing measures on aluminium windows and doors (AWD), particularly their impact on Australian builders including Hickory, homeowners and renters, as well as their implications for housing availability, project costs and construction delays. Specifically, we find that:

- The Commission's finding of aggregate Australian manufacturing capacity does not establish that suitable alternatives are available for our existing high-rise residential projects at commercially viable prices and within the required timeframes (Section 3).
- The proposed measures will impose material costs and delays where substitution is not technically feasible or cannot occur within contractual and construction timeframes, including for projects that deliver social and affordable housing (Section 4).
- For the project-engineered window wall systems Hickory imports, Hickory submits that goods designed and tested to AS/NZS 4284 are not offered for sale in Australia on equal terms. Hickory supports the exemption sought by Customs and Global Trade (CGT) Law (EPR 409) for such goods, which the Commission has not yet considered (Section 5).
- The Commission's final recommendations and the Minister's decision should take account, to the extent permitted by the statutory framework, of the risks of the proposed measures to housing delivery, affordability and investment, including the documented impacts on Hickory's projects (see Sections 4.2 and 6).

2. Introduction and standing

2.1 Hickory was established in Melbourne in 1991 as a small, family-owned business and has since grown into one of Australia's most dynamic manufacturing-led property and construction businesses. Our evolution from a local family enterprise into a business employing more than 1,100 people across the country is an Australian growth story, demonstrating the contribution locally founded businesses can make to employment, innovation and the nation's built environment.

2.2 For more than 30 years, Hickory has challenged convention and invested in smarter, faster and more sustainable ways of building. Our integrated delivery model brings together development, construction, advanced manufacturing and specialist self-

performing capabilities to deliver residential, mixed-use and data centre projects. This experience spans build-to-sell, build-to-rent, affordable and social housing.

2.3 Façade delivery is an important part of this integrated model. Our Australian-based façade designers and installers work across design, engineering, procurement and construction to meet the performance, quality and delivery requirements of complex residential developments.

2.4 Innovation has been central to Hickory's approach to construction for decades and is part of our DNA. We have continually invested in new construction methodologies, advanced manufacturing and off-site production to improve productivity, quality, safety and delivery certainty. This includes the 2014 delivery of the 77-apartment Concorde South development in South Hedland in just eight-and-a-half days using prefabricated modules manufactured at our Melbourne facility. More recently, our industry-first moulded precast podium façade system was recognised with the Excellence in Construction Innovation Award at the 2026 Urban Developer Awards, reducing crane time, labour requirements and safety risk while accelerating delivery.

3. Australian manufacturing capacity and availability of alternatives

3.1 Summary

3.1.1 The Commission has preliminarily found that the Australian industry can supply AWD across all market segments, including Class 2 to Class 9 buildings (SEF 4.7.3). That finding rests mainly on aggregate production capacity, spare capacity (Ventora at approximately 80% utilisation) and evidence of tender and quotation activity.

3.1.2 This finding does not adequately reflect the capacity of domestic manufacturers to meet the demands of high-rise residential projects, which constitute the majority of Hickory's projects. Aggregate statistics, the number of businesses in the market and spare capacity on existing product lines do not show that a compliant, project-specific façade system can be supplied to the required specification and construction programme. Effective capacity must be assessed against the required specification, verified performance, manufacturing scale and the time needed for design, testing and approval.

3.1.3 Hickory does not dispute that Australian manufacturers have capacity to produce AWD, or that tender and quotation activity exists. Hickory identifies three constraints on the availability of suitable domestic alternatives for its projects:

- **Testing, certification and quality assurance**
- **Product suitability** against the specifications of high-rise residential projects
- **Manufacturing capacity and lead times** at the scale of Hickory's projects

3.1.4 For Hickory's projects currently under construction, there is insufficient suitable domestic supply to meet its demand. Hickory's current and prospective projects demonstrate the importance of securing suitable supply within the required construction timeframes. Its exposure to the proposed measures is described in Section 4.1. Demand is likely to increase in 2027 and 2028 as projects in Hickory's tender pipeline reach procurement.

3.1.5 Hickory's evidence is supported by the advice of several façade consultants, enquiries to Australian suppliers, and the specifications for its projects.

3.2 The three constraints

(a) Testing, certification and quality assurance

3.2.1 Hickory has been advised by its façade engineering consultant and two independent façade engineering firms that the availability of façade systems suitable for high-rise and highly exposed buildings in Australia is constrained by demanding testing and performance requirements.

3.2.2 AS/NZS 4284 is the relevant test method that applies to façades on high-rise residential and commercial buildings (typically over 25 m) and to particularly exposed sites, including façades that incorporate curtain walls, strip windows, opening sashes and sliding doors. It is more onerous than AS 2047: its water test includes cyclic pressure at 60% of the serviceability limit state, compared with a static 30% under AS 2047.

3.2.3 Few locally available framing systems have been tested to AS/NZS 4284, and Hickory has been informed that only one laboratory in Australia can undertake this testing. Australian manufacturers generally test systems to AS 2047, while modifications such as brackets for fins and sunshades are often not tested. Window wall systems protecting interstitial spaces should be tested to the more stringent AS/NZS 4284 standard, yet many locally available systems have not been.

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3.2.4 High-rise buildings commonly also experience ultimate limit state (ULS) wind pressures ranging from 2.0 kPa to over 5 kPa, restricting the systems available from local fabricators.

3.2.5 The limited availability of tested systems, together with constrained testing capacity, would make it difficult for domestic suppliers to respond quickly to increased demand if buyers were required to switch suppliers, resulting in significant delays and additional costs.

3.2.6 Hickory's project specifications illustrate these requirements, as shown in the table below.

Project	Wind load (ULS)	Required testing	Water	Air	Glazing
Project A 17 storeys	+2.4 / −3.1 kPa	AS/NZS 4284	978 Pa	≤1.61 L/m^{2}s at ±150 Pa	≥29.5 mm; shop calc glass up to 6/12/13.52
Project B 30 storeys	+2.99 / −4.3 kPa	AS/NZS 4284 prototype (window wall FS-02, FS-06)	1,170 Pa	≤1.0 L/m^{2}s at 300 Pa	≥26 mm (window wall)
Project C 73 storeys	Tower −4.6 / +3.21 kPa; podium ±2.54	AS/NZS 4284 for all façade types; AS 2047 "N/A"	Static test at the greater of 0.3Ws or 300 Pa	≤1.6 L/m^{2}s at ±150 Pa	≥29 mm
Project D 21 storeys	+2.38 / −2.79 kPa	AS/NZS 4284 under ±3 kPa	n/a in RFQ	n/a	n/a

(b) Product suitability

3.2.7 Off-the-shelf proprietary framing systems produced domestically provide limited flexibility compared with the level of customisation required for larger projects. Such customisation includes structurally glazed awning sashes, structurally glazed window wall systems, integrated feature framing and customised external shading.

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3.2.8 Australian manufacturers can supply thermally broken systems; however, many local systems offer only basic thermal breaks, and the gap is at the highest tier. For example, polyamide glass-fibre glazing beads used in the highest-performing structurally glazed systems are not manufactured locally because minimum National Construction Code Section J compliance does not require them.

3.2.9 Based on Hickory's market enquiries, locally available systems do not offer an equivalent solution capable of simultaneously meeting Hickory's specific project thermal, structural, air-tightness and water-tightness performance requirements, across both structurally glazed and captive glazing configurations.

3.2.10 On glazing, acoustic requirements on urban developments are driving thicker insulated glass units (IGUs). 11.52/12/11.52 mm double-laminated IGUs, with overall glass thickness of about 35 mm or more, are now more common. Many standard window and framing systems cannot accommodate these make-ups, and where compatible systems exist, the choice is often limited to a single framing suite.

3.2.11 While some framing systems can accommodate thicker, high-performance IGU configurations, their availability is limited and often restricted to a narrow range of framing suites. The façade systems Hickory imports can accommodate these configurations to meet project-specific acoustic requirements while maintaining the necessary structural, air infiltration and water penetration performance under AS/NZS 4284 testing, providing greater flexibility than standard locally available systems.

3.2.12 Façade design briefs for high-rise buildings commonly require operable window sashes to have a continuous hinge and anti-lift blocks, as a fail-safe if the stay hardware fails, with additional testing to AS 2047 and AS/NZS 4284 to verify hardware performance.

3.2.13 While hardware solutions are available in Australia, Hickory's market assessment found that these products did not provide an equivalent solution for the specific performance requirements of high-rise façade applications. In particular, following operational and performance issues with locally supplied hardware, Hickory sourced alternative products directly from China, which demonstrated better performance and greater suitability for integration into the complete tested façade system.

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3.2.14 Larger and more complex projects often necessitate either heavily modified proprietary systems or fully bespoke façade solutions. Hickory's systems are project-specific. Hickory develops each system with specialist façade design companies, prepares project-specific shop drawings, fabrication drawings and interface details, has them approved through the project design and consultation process, and then tenders the approved design to selected manufacturers. In most cases, we do not procure standard catalogue products.

3.2.15 The interface between curtain wall and window wall systems is often the greatest point for weatherproofing risk. Having a single fabricator design and supply this interface helps ensure that transition details are properly integrated and responsibility is clearly allocated. Local fabricators have limited capacity to develop bespoke interface solutions for complex high-rise applications. Hickory engineers the façade and its interfaces as an integrated solution tailored to each project, supporting system compatibility, weatherproofing performance and clear responsibility for the completed assembly.

(c) Manufacturing capacity and lead times

3.2.16 Hickory's affected projects require substantial volumes of specialist façade systems between October 2026 and June 2028, with procurement and installation governed by defined construction programmes (Sections 4.1 and 4.2). Hickory does not suggest that its own requirements would put pressure on the Australian industry's aggregate capacity. Our submission concerns capacity within the specific product and testing categories required by our projects, and the time needed to develop that capacity.

3.2.17 The Commission's finding of available capacity rests on Ventora's utilisation and on questionnaire respondents reporting spare or scalable capacity without significant additional capital investment (SEF 4.7.3). However, that does not demonstrate that any local supplier can provide a system tested to AS/NZS 4284 at the relevant wind loads, or the engineering, design and testing capacity needed for high-rise façade systems.

3.2.18 Over the past 20 years, domestic fabrication of high-rise window walls and doors has declined, alongside the associated skills and R&D capability. Expanding local

capacity would require significant investment, for which there is currently no clear, commercially viable long-term pathway. Any such capacity could not be available within the delivery timeframes of Hickory's projects.

3.3 Attempts to source domestically

3.3.1 Hickory has sourced project-specific façade systems from China for nearly 15 years because its market testing has not identified an Australian manufacturer able to meet the combined technical, scale and delivery requirements of its larger projects. Following the Commission's preliminary determination, Hickory reassessed whether suitable domestic alternatives had developed.

3.3.2 Specifically, Hickory issued requests for quotation to six Australian suppliers for Project D. The requests specified the project's technical and performance requirements, including AS/NZS 4284:2008 testing at ULS ±3 kPa, thermal and acoustic criteria, engineering certification and a 10-year warranty.

3.3.3 Hickory was unable to identify a suitable domestic supplier capable of meeting the requirements of a project of this nature, and none of the six suppliers offered a quotation. The responses received identified several constraints, including the scale and scope of the project, limited experience in high-rise façade works, a focus on residential housing, and geographic limitations preventing suppliers from undertaking the work in Victoria.

3.3.4 The Commission cites six suppliers as evidence of domestic capability (SEF 4.7.2). As summarised in the SEF, none identifies a completed high-rise window wall project or a capacity figure. Hickory submits that the suppliers identified do not collectively demonstrate the availability of suitable domestic alternatives capable of meeting the testing, scale and delivery requirements for our high-rise project.

3.3.5 Hickory understands that four suppliers cited by the Commission serve mainly residential and low-rise commercial projects, or specialise in slimline sliding, pivot and guillotine systems for houses and low-rise buildings, which are unsuitable for Hickory's specific requirements.

3.4 Practical limitations of substitution

3.4.1 Switching suppliers or systems on projects already designed and in procurement would require façade redesign, revised drawings and interfaces, repeat testing and

certification, and renewed consultant and client approvals, with consequential procurement and installation delays.

3.4.2 Even if a domestic alternative were available, Hickory estimates that substituting a domestic system on Project A would take approximately 6–8 months (see Section 4.2.1), with comparable impacts on Project D and Project E. For Project A, a substitution decision on 2 November 2026 would delay redesign, certification and approvals until April–July 2027, well beyond the first delivery deadline of early February 2027 and leaving insufficient time for local manufacture and delivery.

3.4.3 If the window wall was replaced or divided between suppliers, the interface details would also have to be redesigned, coordinated across suppliers and re-verified. That work falls within Hickory's estimate for the shop-drawing review stage (12 to 16 weeks, about 40% of the estimated substitution cost on Project A).

3.4.4 Even if a technically equivalent Australian system existed, which Hickory does not accept, substitution would not remove the cost of the proposed measures for Hickory. Hickory estimates that an Australian alternative would cost about 30% more than Chinese supply across the eight projects, in procurement costs alone. On Project A specifically, substitution would cost about 1.8 times the modelled securities, on top of the expected delay.

3.5 Relevance to the Commission's findings

3.5.1 **Competition and substitutability.** The Commission's finding that imported and local AWD compete across all segments is central to its causation analysis (SEF 9.1, 9.7). Hickory submits that, for high-rise residential façade systems of the kind it procures, the evidence in Sections 3.2 to 3.4 shows limited or no competition from local suppliers.

3.5.2 **Other causes of injury.** Under s 269TAE(2A) of the *Customs Act 1901*, injury caused by factors other than the dumped goods must not be attributed to them. Where the evidence establishes that no domestic supplier could meet a project's specifications, certification requirements, volume and delivery programme, the Commission should not assume that the corresponding import sale was one that the domestic industry could otherwise have supplied.

3.5.3 **Non-price reasons.** Hickory's sourcing decisions are based on far more than price and reflect each project's technical specifications, performance, testing and certification requirements, system compatibility and delivery timeframes. This is

consistent with the Commission's finding that compliance, delivery capability, technical suitability and supplier reliability are important in purchasing decisions (SEF 8.5.1). These requirements are documented in Hickory's project specifications, engineering records and design approvals.

3.5.4 **Evidence base.** The Commission did not accept Hickory's earlier statement on capability (SEF 9.9.5) by reference to aggregate capacity. Hickory requests that this finding be reconsidered in light of the evidence presented in Sections 3.2 and 3.3.

4. A final affirmative determination in respect of the products Hickory imports would have an adverse impact on Hickory and the broader construction industry

4.1 Hickory's direct exposure

4.1.1 The Commission has said it may consider broader market and economic circumstances where relevant to its assessment (SEF 2.4.12), and that it examines commercial impacts on the sector. This section sets out the commercial effects of the proposed measures on Hickory, and, through Hickory's projects, on the broader construction industry.

4.1.2 Hickory has identified eight projects affected by the proposed measures (six in Victoria, two in New South Wales). Three projects carry the 6–8 month redesign and retesting impact.

4.1.3 Hickory faces two cost channels. If it continues to import, interim securities apply to goods entered for home consumption on or after 15 October 2026 (TRN 2026/147), with final duty settled later. If it substitutes, it would incur higher procurement costs, together with additional costs associated with redesign, retesting and construction delays (Section 3.4).

4.1.4 If securities and final duties apply, and no suitable substitute is available (Section 3), Hickory's modelling indicates:

- Material securities exposure across its affected projects and tender pipeline at the proposed SEF rate, falling due progressively between October 2026 and August 2027 and growing as further projects move to procurement during 2027 and 2028;
- A redesign and retesting delay of 6 to 8 months on three projects; and

- If Hickory were to switch to Australian supply, a substantial additional procurement cost, before redesign, retesting, financing, storage and delay.

4.1.5 These are modelling estimates. The securities are calculated on a base equal to about 88–91% of the stated Chinese supply value. The Australian alternative figures are derived from prevailing market unit rates. These estimates also exclude redesign, consultant and engineering review, prototype construction, AS/NZS 4284 testing, certification, storage, financing and programme delay. Hickory does not accept that a technically equivalent Australian system exists for these projects (Section 3).

4.1.6 The measures will also affect Hickory's competitiveness on future tenders for high-rise residential façades. The cost of imported systems will rise due to the increased duty rate, and for the reasons set out in Section 3, Hickory has not identified a suitable domestic alternative at the required specification.

4.2 Case studies

4.2.1 Project A

Project: A mixed-use development in inner Melbourne, Victoria, comprising multiple buildings over basement levels, with retail tenancies at ground level and apartments above. 17 storeys, about 45 m effective height; Classes 2, 6, 7a and 7b.

Status: Under construction; façade design is well advanced, but procurement has not yet been let.

Façade requirements: Approximately 13,000 m^2 of engineered window wall, with imports scheduled from December 2026 to August 2027. The façade is required on site progressively from early February to early August 2027, sequenced floor by floor, with fabrication starting in December 2026.

Performance: ULS +2.4/−3.1 kPa; AS/NZS 4284 prototype testing and water pressure of 978 Pa; air ≤1.61 L/m^2s at ±150 Pa; insulated glazing of at least 29.5 mm; mullions up to 3,240 mm.

Estimated timing of substitution: The project-specific activities and timeframes associated with the substitution are set out below. The estimated duration of substitution is:

Activity	Estimated duration
Redesign and approval of concept drawings	7–8 weeks

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Activity	Estimated duration
Redesign and re-review of shop drawings	12–16 weeks
Re-certification (Reg 126 CoC, F3P1)	2–4 weeks
New prototype and retesting (in parallel)	8–10 weeks (in parallel)
Building permit resubmission	2–4 weeks
Total, as modelled	**23–32 weeks sequentially**
Year-end shutdown	2–3 weeks
Overall estimated period	**25–35 weeks (approx. 6–8 months)**

These estimates cover design, testing and approvals only. Local manufacturing and delivery lead time would add further time. Against required deliveries from early February 2027, this would not be completed until late April to early July 2027 (Section 3.4).

Domestic alternatives investigated: Hickory's façade consultants specify AS/NZS 4284 prototype testing for this project. Hickory is not aware of a locally supplied window wall system tested to AS/NZS 4284 at its design pressures.

4.2.2 Project E

Project: A Class 2 apartment development in Melbourne, Victoria, comprising approximately 250–300 apartments, including an affordable housing component and a dedicated build-to-rent building.

Status: Procurement committed. Under construction.

Façade requirements: Approximately 4,000 m^2 supplied by an independent overseas manufacturer; imports October 2026 to January 2027.

Estimated timing of substitution: Per Case Study A, Hickory's model estimates that replacing the specified system with a domestic alternative would take approximately 6–8 months for redesign and retesting.

4.3 Effect on the construction industry and housing delivery

4.3.1 **Existing cost pressures.** The proposed measures must be considered against the cost pressures already affecting the Australian building and construction industry. Since

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2019, building materials used in house construction have increased in cost by 37.9%, aluminium windows and doors by 38.8%, and house-building output costs by 44.8%. [Submission EPR 396: Master Builders Australia, 23 December 2025]

4.3.2 These pressures are reflected in the latest official economic data, where construction input costs are already contributing to broader inflationary pressures. On 28 October 2026, the Australian Bureau of Statistics reported that the Consumer Price Index rose 4.3% in the year to September, up from 4.0% in August. Housing was the largest contributor to annual inflation, increasing by 5.2%, while the price of new dwellings increased by 4.7% over the year as builders passed on higher costs for materials and labour.[1]

4.3.3 **Cost pass-through.** Façade costs are incorporated into construction budgets and contractual pricing arrangements that may have been established well before the relevant goods are imported or installed. Where a builder or developer cannot recover additional costs from its client, the additional expense may reduce the margin available to absorb other cost overruns or project risks. Where costs can be passed through, they may ultimately be reflected in development costs, sale prices, rents or other charges.

4.3.4 **Social and affordable housing delivery.** The potential impact of the proposed measures is particularly relevant to social and affordable housing projects, which are often delivered within fixed funding allocations, development budgets and affordability requirements. These projects have limited capacity to absorb unexpected construction cost increases without affecting project feasibility, funding requirements or delivery.

4.3.5 **Proportion of project cost in high-rise construction.** The Commission estimates that windows and doors account for 5–7% of the construction cost of a typical three-to-four-bedroom dwelling (SEF 2.4.12). However, this does not consider the specific characteristics and costs for high-rise residential and commercial buildings, which often require engineered, integrated and performance-specific façade systems with different cost profiles and substitution requirements from those of conventional windows used in detached housing. The proportion of project costs and additional costs arising from any substitution would be a significantly higher share of the total construction cost.

[1] Australian Bureau of Statistics, CPI rose 4.3% in the year to September 2026, 28 October 2026.

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4.3.6 **Timing and delays.** The proposed measures create immediate cost and timing risks for projects where procurement commitments, supplier arrangements, and construction programmes pre-date the preliminary determination. Developers have already raised concerns about the impact of securities on window packages already ordered but not yet delivered, including uncertainty over payment responsibilities and the potential for goods to remain at port.

4.3.7 Such delays will have consequences beyond the affected goods, including disruption to subsequent construction activities, increased financing and holding costs, and delayed occupancy. As set out above, Hickory estimates that substituting alternative products would result in a 6–8 month redesign and retesting impact on three live projects. The Commission should consider the impact of delays on these programmes alongside costs.

4.3.8 Broader industry impact. The proposed measures risk exacerbating existing challenges in Australia's building and construction industry, including low productivity, skills shortages and weak consumer confidence. Against this backdrop, projects being delayed, scaled back or abandoned will result in reduced construction activity, limited innovation and productivity improvements and further constraints to housing supply.

4.3.9 Hickory submits that the Commission should consider these broader downstream effects in its final decision, recognising that measures intended to support one segment of the Australian construction industry may impose significant costs on other segments.

5. Product scope and exclusion

5.1 The Commission found that window wall is distinct from curtain wall but falls within the goods under consideration (SEF 3.8, 4.6.1). Hickory does not seek to revisit that finding. Rather, if a dumping or countervailing notice is to be made, Hickory supports the exemption sought by CGT Law (EPR 409) for window wall façade systems and goods designed and tested to AS/NZS 4284, an issue the Commission has not yet considered (SEF 3.7).

5.2 Hickory supports CGT Law's proposed exemption because AS/NZS 4284-compliant goods are engineered façade systems with different performance requirements, functions and end uses from standard AWD. Unlike standalone windows generally tested to AS 2047, these systems require project-specific façade testing to demonstrate

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structural and weatherproofing performance. They are designed for multi-storey buildings, including Class 2 residential apartments, and do not directly compete with the Australian applicant's standard residential window and door products.

5.3 Hickory's projects require project-specific prototype testing to AS/NZS 4284 at specified design pressures. Its façade consultants advise that few Australian systems have equivalent testing evidence. Hickory is not aware of a locally supplied system meeting these requirements, and none of the six Australian suppliers it approached provided a quotation (Section 3.3). Accordingly, Hickory submits that equivalent goods are not offered for sale in Australia on equal terms under like conditions, having regard to the custom and usage of trade (ss 8(7)(a) and 10(8)(a) of the Customs Tariff (Anti-Dumping) Act 1975).

5.4 The exemption is capable of being administered at the border. Goods tested to AS/NZS 4284 can be distinguished from standard windows and doors through an accredited laboratory test report demonstrating project-specific façade performance, supported by the relevant project specifications and shop drawings. These documents can be retained by the importer and produced to the Australian Border Force on request, ensuring the exemption is limited to engineered façade systems meeting the required standard. Hickory supports an exemption tied to AS/NZS 4284 testing evidence.

6 Broader public interest considerations

6.1 Hickory acknowledges that the Commission's investigation is governed by the *Customs Act 1901* and that it does not provide for a public interest test (SEF 2.4.12). Hickory nevertheless submits that the consequences of the measures for Australia's housing policy, and the broader economy, should be recorded in the Commission's report, so that they are available to inform the Minister's decision.

6.2 The Government has committed to delivering 1.2 million new homes by June 2029,[2] alongside 55,000 social and affordable homes by mid-2029. Measures that increase construction costs, financing requirements or project delays risk working against these objectives, particularly where projects have already been procured, funded or contracted.

6.3 These risks are particularly significant in the current inflationary environment. As set out in Section 4.3.2, the Australian Bureau of Statistics recently reported that housing

[2] Australian Government, Department of the Treasury, National Housing Accord, accessed 1 November 2026.

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was the largest contributor to annual inflation as builders pass on higher material and labour costs. Additional costs arising from the proposed measures risk exacerbating existing pressures on construction budgets, housing affordability and development feasibility. Where those costs cannot be passed on, they may instead reduce project margins, increase financing burdens or contribute to projects being deferred or redesigned.

6.4 Hickory therefore submits that the Commission's final recommendations and the Minister's subsequent decision should take account, to the extent permitted by the applicable statutory framework, of the risks to housing delivery, affordability and investment arising from additional costs and delays.

7 Request for consideration

I respectfully request that the Commission:

- Reconsider whether aggregate Australian manufacturing capacity establishes the availability of suitable alternatives for the window wall and façade systems Hickory imports;
- Distinguish general fabrication capacity from demonstrated capacity to supply systems meeting the relevant testing, structural, thermal, acoustic, hardware, certification, volume, price and delivery requirements;
- Assess the results of Hickory's enquiries to Australian suppliers against the requirements of the identified projects, rather than treating tender activity alone as proof of substitutability;
- Identify, to the extent permitted by the confidentiality requirements, the evidence relied upon to establish that Australian fabricators can supply the relevant class of high-rise window wall at the required performance levels and within the relevant timeframes;
- Take account of the project-specific evidence when assessing competition, undercutting, lost sales and causation, including whether domestic suppliers could have supplied the relevant goods or systems in the absence of the investigated imports;

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- Consider the distinction between price-based purchasing decisions and procurement decisions driven by technical compliance, system compatibility, certification, capacity and delivery constraints;
- Favourably consider the exemption sought by CGT Law (EPR 409) for window wall façade systems and goods designed and tested to AS/NZS 4284, on the basis that equivalent goods are not offered for sale in Australia on equal terms under like conditions; and
- Take account, to the extent permitted by the statutory framework, of the risks of the proposed measures to housing delivery, affordability and investment, including the documented impacts on Hickory's projects (see Sections 4.2 and 6).

This submission is provided as a non-confidential version for the public record. A confidential version marked OFFICIAL: Sensitive has also been lodged in accordance with section 269ZJ of the Customs Act 1901. Hickory is available to meet the Commission or provide further information.

Kind regards,



Steve Stavrou, Commercial Director