Shorebird Facade – Submission in response to SEF 691 – PUBLIC RECORD VERSION

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

Investigation No. 691 – Aluminium windows and doors exported from China – Submission in response to SEF 691

Shorebird Facade Pty Ltd is an Australian importer and installer of aluminium windows and window wall for multi-residential projects in Sydney. We are an interested party affected by the securities imposed from 15 October 2026. We refer to our letter dated 16 October 2026 about the impact of the securities on our business. We make this submission in response to SEF 691 and ask that the Commissioner consider it, together with that letter, in the final report to the Minister.

We employ 6 people directly and engage around 40 Australian subcontractors and installers. Our design, drafting, engineering, project management and installation are all carried out in Australia. Our current projects are Class 2 residential buildings.

[CONFIDENTIAL – project names, head contractors and contract dates]

1. Window wall and Class 2 residential should be excluded

We ask the Commissioner to reconsider the preliminary finding at section 3.8 of the SEF that window wall is within the goods description. In the alternative, we support the exemption requests already before the Commission for window wall and for windows supplied to Class 2 buildings (Table 10 of the SEF).

From our direct experience supplying these projects:

- **Window wall is a project-engineered façade system, not a stock window.** Each project is individually designed, structurally certified and tested as a façade system, commonly to AS/NZS 4284, and installed slab to slab as part of the building envelope.
- **It is procured like curtain wall, which is excluded.** It is tendered as a façade package to head contractors, with design, engineering, testing, programme and installation risk carried by the façade subcontractor.
- **The Australian industry has limited capacity in this segment.** When we tender multi-storey Class 2 façade packages, we are generally not competing against the applicants for window wall of this scale. The Commissioner should test the industry's actual capacity to deliver high-rise window wall to programme before finding that imports in this segment cause injury.

The exclusion of curtain wall shows that engineered façade systems were not intended to be caught. Window wall shares those characteristics and should be treated the same way.

2. Clarify the dimensional limits

The goods description covers assemblies up to 3.0 m high and 4.0 m wide (windows) and 3.0 m high and 7.0 m wide (doors). We ask the Commissioner to confirm in the final report that:

- units that exceed those dimensions **as imported** fall outside the goods; and
- this applies to factory-assembled window wall modules that exceed either limit, including floor-to-floor modules over 3.0 m high.

A clear statement will let importers and Border Force apply the measures consistently and avoid disputes at the border.

3. Transitional relief for goods under existing contracts

Our subcontracts are fixed-price and were priced and signed before any securities were announced. [CONFIDENTIAL – contract date of one subcontract] The securities were imposed the day after the SEF was published, with no notice period. We cannot change suppliers for goods already manufactured to project-specific designs.

We ask that any dumping and countervailing duty notice not apply to goods supplied under construction contracts entered into before 14 October 2026, or at least before the investigation began on 25 November 2025. If that is not possible, we ask for a reasonable transition period after the Minister's decision so that committed projects can be completed at their contracted price.

4. Treatment of our manufacturer and its exporters

Our windows are manufactured by **Tianjin Hua Ao Decoration Engineering Co., Ltd**, an established manufacturer with its own factory and workforce. They are exported by **Beijing Xinshun Tongda Trading Co., Ltd** and **Beijing Xihe Construction Engineering Co., Ltd**. These companies did not respond to the preliminary information request because they were not aware of what was required. On 15 October 2026 they contacted the Commission through their Australian liaison and offered full cooperation, including cost, domestic sales and export data.

Under the SEF they fall into the "uncooperative and all other exporters" category. Their 70.4% dumping margin is based on the lowest verified FOB export price of the selected exporters, not on their own prices. The combined rate of 73.3% is three times the 24.4% residual rate applying to the 120 exporters that responded.

That proxy is not a fair measure of these goods. Hua Ao's products are not standard, off-the-shelf windows. Each order is manufactured specifically for an individual project, to approved shop drawings, nominated aluminium systems, glazing specifications, structural performance requirements and the construction programme. Prices therefore vary widely between projects depending on the system, specification, quantities and technical requirements. The SEF itself notes the substantial variation in AWD export prices driven by project specifications (section

1.2.13). Applying the lowest export price of a different exporter's product mix to project-specific goods is unlikely to reflect whether Hua Ao's exports were dumped at all.

We ask the Commissioner to:

1. accept and consider information from Hua Ao and its exporters before the final report, so their exports are assessed on their own facts; or
2. if that is not possible, apply the residual exporter rate to them; and
3. confirm in the final report the review options available to them once measures are in place.

5. Public interest

The measures will add significant cost to Class 2 housing that is already under construction, at a time when government policy is to increase housing supply. Fixed-price façade subcontractors cannot pass these costs on under existing contracts, so the impact falls on small Australian businesses rather than on the exporters.

[CONFIDENTIAL – estimated value of securities on Shorebird's remaining committed work] At that level our projects would run at a loss, and the work of our employees and around 40 Australian subcontractors and installers would be at risk. Similar submissions from builders (including Ironside Construction, Galmar Group and Austrahomes) show this is an industry-wide problem, not unique to us.

Summary of requests

We ask the Commissioner to recommend that:

1. window wall be excluded from the goods, or an exemption be granted for window wall and AWD supplied to Class 2 buildings;
2. the final report confirm that units exceeding the dimensional limits as imported are not the goods;
3. measures not apply to goods supplied under contracts entered into before the SEF, or that a transition period be allowed;
4. Hua Ao and its exporters be assessed on their own information, or at least receive the residual exporter rate; and
5. the public interest in housing supply and the viability of Australian façade subcontractors be given weight.

We can provide our subcontracts, shipping documents and project information on request.

Yours faithfully,

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