NON-CONFIDENTIAL VERSION – FOR THE PUBLIC RECORD

3 November 2026

The Commissioner
Australian Trade Remedies Commission
By email: Investigations1@atrc.gov.au

Re: **Investigation 691 – Aluminium windows and doors from China**
Subject: **SEF 691 submission – Burleigh De-Lux, Burleigh Heads**

Dear Commissioner,

This is the non-confidential version of CGA's submission for the public record. Commercially sensitive information has been removed and is marked [CONFIDENTIAL TEXT REMOVED], with a summary of the removed information where relevant. A confidential version has been lodged with the Commission at the same time.

Introduction

1. Constructions Pty Ltd trading as Constructions Group (Aust) (**CGA**) makes this submission in response to the Statement of Essential Facts published on 14 October 2026 (**SEF**). CGA is a Queensland builder and the purchaser of aluminium windows and doors (**AWD**) for a residential apartment development known as Burleigh De-Lux at 64 Goodwin Terrace, Burleigh Heads, Queensland (**Project**). CGA is therefore an interested party to this investigation.

2. CGA does not seek to re-argue the Commissioner's preliminary findings on dumping. This submission addresses four practical matters that the Commissioner should take into account in the final report and recommendations to the Minister:

   (a) the treatment of goods supplied under binding commitments made before the investigation was initiated;

   (b) clarification of the dimensional limits in the goods description as they apply to coupled and multi-panel assemblies;

   (c) the exemption requests relating to Class 2 and large-scale projects, which the SEF states have not yet been assessed; and

   (d) the form of any dumping duty imposed.

CGA and the Project

3. The Project is a Class 2 residential apartment building comprising 28 apartments over 13 levels. CGA is delivering the Project as design and construct contractor under a fixed lump sum head contract (AS 4902-2000, as amended) dated 4 August 2024. The AWD package is not a provisional sum under that contract; CGA priced it within its fixed contract sum well before the application for measures was lodged.

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4. CGA's supplier is QINGYUAN KEJIAN DOOR AND WINDOW CURTAIN WALL DECORATION COMPANY LTD., the parent company of Bucalu (the **Supplier**). The Supplier is listed in Table 6 of the SEF as a residual exporter, and goods from it are subject to securities at 24.4%.

5. The Supplier provided its quotation for the Project on 13 May 2025. On 20 August 2025 CGA confirmed in writing its acceptance of that quotation and instructed the Supplier to proceed, and the Supplier acknowledged the award in writing on 21 August 2025. The commitment covers project-specific, custom-engineered window and door assemblies manufactured to the Project's architectural and engineering specifications. *[CONFIDENTIAL TEXT REMOVED – value of the supply commitment.]*

6. That commitment was made:

   (a) about 10 weeks before the application was lodged on 29 October 2025;

   (b) about 14 weeks before the investigation was initiated on 25 November 2025; and

   (c) on the basis of a head contract price that CGA had fixed with its client some 15 months before initiation.

7. The key dates are summarised below.

Date	Event
4 August 2024	CGA enters fixed lump sum design and construct head contract (AS 4902-2000, as amended) for the Project
13 May 2025	Supplier issues its glazing quotation (Rev 2) for the Project
20 August 2025	CGA confirms in writing its acceptance of the Supplier's quotation and instructs the Supplier to proceed
21 August 2025	Supplier acknowledges the award in writing and commences setting up the project
29 October 2025	Application for dumping duties lodged
25 November 2025	Investigation 691 initiated
14 October 2026	SEF and preliminary affirmative determination published
15 October 2026	Securities apply to goods entered for home consumption from this date
Not before 16 December 2026	First shipment of Project goods – all Project goods will be entered after securities commenced

8. Shipments were originally programmed to commence in late 2026. Following design development and programme changes with in-ground delays, no Project goods will be shipped before 16 December 2026. As a result, all of the Project's AWD will be entered for home consumption after 15 October 2026 and will be subject to securities. *[CONFIDENTIAL TEXT REMOVED – estimated value of securities. Summary: the securities are a significant cost that was not, and could not have been, allowed for in CGA's fixed contract price.]*

Local supply was sought and was not available

9. Before committing to the Supplier, CGA approached multiple Australian supply-and-install window and door contractors to price the Project. None was able to provide a price for the Project. *[CONFIDENTIAL TEXT REMOVED – names of the contractors approached and their responses. Summary: none of the Australian contractors approached provided a price.]*

10. CGA did not choose imported product over available Australian product on price. For a project of this scale and specification, local product was not offered at all. Measures applied to the Project goods would therefore not redirect any purchase to the Australian industry; they would simply add cost to a housing project already under construction.

Goods under pre-existing commitments

11. CGA could not have known, when it fixed its contract price in August 2024 or accepted the Supplier's quotation in August 2025, that measures would be sought. It priced the Project, fixed its contract sum and committed to the Supplier on the basis of the price and duty position that applied at the time. Re-procuring the goods from another supplier is not commercially or practically feasible: the goods are engineered for the Project, shop drawings and production are advanced, no local contractor priced the work, and re-procurement would delay completion of a residential building.

12. Imposing duty on goods supplied under commitments that pre-date the investigation does not alter the purchasing decisions that gave rise to the alleged injury. Those decisions have already been made. It simply moves a cost that could not have been anticipated onto housing projects already under construction.

13. CGA requests that the Commissioner recommend, and the Minister determine, that:

    (a) goods supplied under binding commitments entered into before 25 November 2025 (the date of initiation) are exempt from any dumping duty notice or, alternatively, are not subject to interim dumping duty for a reasonable transitional period, for example until 30 June 2027; and

    (b) securities taken on such goods during the provisional period are released rather than converted to interim duty.

14. CGA is willing to provide the Supplier's quotation, CGA's written acceptance, the Supplier's acknowledgement, purchase orders and shipping records to the Commission on a confidential basis to verify that its goods fall within any such category.

Clarification of the goods description – coupled and multi-panel assemblies

15. The goods description is limited to window assemblies or partial assemblies up to and including 3.0 metres high and 4.0 metres wide, and door assemblies up to and including 3.0 metres high and 7.0 metres wide.

16. A number of the Project's window and door assemblies are designed and specified as single assemblies wider than these limits but are fabricated, packed or shipped as coupled sections for transport.

17. The SEF does not say how the dimensional limits apply in these circumstances. Without clarification, importers and the Australian Border Force will apply the limits inconsistently. CGA requests that the final report confirm that the dimensional limits are assessed by reference to the assembly as designed and specified for installation, including where coupled sections are shipped together for one specified assembly, and not by reference to each individual frame as shipped. Alternatively, the final report should give clear guidance on how coupled and multi-panel assemblies are to be treated.

Class 2 and large-scale project exemption requests

18. Section 3.7 of the SEF records exemption requests by Ironside Construction (AWD supplied to Class 2 buildings) and Broad (AWD designed and engineered for Class 2 or above, for projects over a gross floor area threshold). The SEF states that the Commissioner has not yet assessed them. CGA supports these requests and asks that they be properly assessed in the final report.

19. The SEF itself acknowledges that the market is not homogeneous, and that AWD supplied to large or complex projects (generally Class 2 and above) may be subject to additional engineering, testing, certification, design and project-delivery requirements, with these differences particularly evident between lower-density residential construction and larger multi-residential projects (section 5.7.3).

20. CGA's experience on this Project is direct evidence of that difference: multiple Australian supply-and-install contractors were approached and none provided a price. CGA submits that a capacity-utilisation figure for the industry as a whole (section 4.7.3) does not establish that equivalent product was available to this segment on comparable terms and timeframes.

Form of duty

21. The Commissioner recommends the ad valorem duty method (section 12.2.5). The SEF records that price variation across models is high and that there is a wide range of high-priced goods. The Guidelines on the Application of Forms of Dumping Duty, referred to in the SEF, note that the ad valorem method may not be the most appropriate where there are high-priced varieties or models of the goods, particularly where a particular variety was not causing injury to the Australian industry.

22. Custom-engineered assemblies for Class 2 projects are such high-priced varieties. An ad valorem rate applied to their full export price imposes the largest absolute duty on the most specialised, highest-value goods, which are also the goods least likely to be undercutting standard residential product. CGA submits that the Commissioner should recommend a floor price or combination duty method, or a lower ad valorem rate for project-specific

assemblies above a defined value, so that duty is not collected on goods whose export prices are already at or above normal value.

Lesser duty rule and downstream impact

23. Although the Commissioner preliminarily finds that the Minister is not required to have regard to the lesser duty rule, the SEF notes that the Minister retains a discretion to apply it (section 11.3). CGA asks the Commissioner to put before the Minister the effect of the measures on housing projects already under construction, including fixed-price projects such as this one, so that the Minister can weigh that impact in exercising that discretion.

Summary of requests

24. CGA requests that the Commissioner, in the final report:

    (a) recommend an exemption or transitional arrangement for goods supplied under binding commitments entered into before 25 November 2025, including release of securities taken on such goods;

    (b) clarify how the dimensional limits apply to coupled and multi-panel assemblies;

    (c) assess, and favourably consider, the exemption requests relating to Class 2 and large-scale projects;

    (d) recommend a form of duty that does not penalise high-value, project-specific assemblies; and

    (e) draw the downstream impact on housing projects already under construction to the Minister's attention.

25. CGA is available to meet with the case team and to provide supporting documents on a confidential basis. Please direct any enquiries to Ben Holley, Director, on 0407 590 067 or benh@cgaust.com.

Yours faithfully,

Brad Wootten
Director
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