Submission in response to Statement of Essential Facts 691

Investigation 691 – Aluminium windows and doors exported from the People's Republic of China

To:	The Commissioner, Australian Trade Remedies Commission The Director – Investigations 1, GPO Box 2013, Canberra ACT 2601
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1. Who I am

I am an owner-builder constructing my family home in Perth, and an importer and end user of the goods under consideration. I am not a commercial reseller.

2. My purchase

I purchased aluminium windows from a Chinese manufacturer for my own residence several months before 14 October 2026. The purchase price was paid in full. By the time the Preliminary Affirmative Determination was announced, the windows had been manufactured and were being packed into containers while ocean freight was arranged. The contract, price and payment were all settled before any security rate was published.

3. The problem

Securities apply to goods entered for home consumption on or after 15 October 2026, one day after the PAD was announced. The date of entry is the only test. As a result, goods bought and paid for months earlier are treated exactly the same as goods ordered after the measures were known.

An importer whose goods were already made and paid for had no ability to change supplier, renegotiate price or cancel. The cost of the security is borne entirely by a purchase decision that was lawful, final and could not be revisited.

4. Submission

(a) Measures should apply from the date of sale, not the date of entry. I submit that the Commissioner recommend, and the Minister adopt, an arrangement under which securities and any final dumping or countervailing duty do not apply to goods sold under a binding contract entered into, and paid for, before 14 October 2026.

(b) The purpose of the measures is not served by applying them to prior sales. Measures are intended to remedy injury from dumped and subsidised exports by changing future pricing and purchasing behaviour. A sale concluded before the PAD could not respond to that signal. Applying the measures to it does not protect the Australian industry; it only transfers an unforeseeable cost to the end user.

(c) Verification is straightforward. The importer can be required to produce the sales contract or pro-forma invoice, evidence of payment dated before 14 October 2026, and the commercial invoice matching the goods entered. These records are created at the time of sale and are readily checked by the Commission and the Australian Border Force.

(d) Alternatively, if a sale-date arrangement is not adopted, I submit that securities taken on goods sold and paid for before 14 October 2026 be refunded in full when the final decision is made, and that no final duty be imposed on those goods.

5. Impact

Residential construction costs are already significantly above pre-pandemic levels. Windows are an essential, non-substitutable building component. Applying securities of up to 73.3% to windows already bought for homes under construction lands directly on homeowners, owner-builders and small builders who priced and financed their projects on the basis of costs known at the time of purchase.

6. Supporting documents

Available to the Commission on request, on a confidential basis: sales contract / pro-forma invoice, proof of payment, commercial invoice.

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