3 November 2026

Mr David Latina
The Commissioner
Australian Trade Remedies Commission
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Dear Mr Latina,

Submission: Anti-Dumping Trade Remedies Notice (TRN) No. 2026/147 & Statement of Essential Facts (SEF) No 691 ("Commissioner's Interim Decision")

The Property Council of Australia and the Urban Development Institute of Australia (**UDIA National**) welcome the opportunity to comment on the Commissioner's Trade Remedies Notice No. 2026/147 & Statement of Essential Facts No 691, dated 14 October 2026 – concerning aluminium windows & doors exported from China.

Our organisations represent all aspects financing, building, developing and delivery of housing across Australia including local government, detached housing, apartments, build-to-rent and affordable housing providers.

The Development and Construction industry is 10.5% of GDP ($269.7bn) & 9% of fulltime employment. Each housing dollar supports 40+ sectors and generates $2.90 in the wider economy. Our industry is an engine room for boosting productivity across the Australian economy and is central to finding a pathway out of the current Australian Housing Crisis.

We support an effective, evidence-based trade remedies framework that addresses, serious offences and supports fair competition for Australian businesses, however our members are gravely concerned over the nature and consequences of the decision referred to above.

We are concerned about the implications of the provisional measures for housing projects already under construction and the feasibility of future apartment development. These concerns are particularly acute where procurement contracts have been executed, apartment sale prices are fixed and alternative suppliers cannot meet project specifications or delivery schedules.

This submission seeks greater transparency about the treatment of exporters not individually examined, further consideration of evidence concerning high rise supply requirements, and urgent action to address the impact on existing contractual commitments across industry.

The following submission addresses this issue by providing:

a) An overview and summary of the intended consequences of the decision on market outcomes and housing supply.

b) An outline of inconsistencies in the investigation underpinning the decision.

c) Further detail of key issues.

d) Recommended next steps.

Overview

The housing industry supports the legislative mechanism to prevent the dumping of products in Australia.

Unfortunately, the Commissioner's Interim Decision to levy the suite of tariffs undermines the anti-dumping purpose because it:

1) **Puts punitive tariffs on organisations that have not been found to have dumped products**, effectively for simply being Chinese manufacturers, which is unreasonable. These are the majority of the tariffs.
2) **Gives commercial support and rewards organisations that have breached anti-dumping** which is against the purposes of the Commission's investigation as well as the Government policy.
3) **Significantly and irreversibly damages the housing industry through unjustified tariffs and failing to grandfather** existing projects already underway – it will increase costs by up to around $15,000 for an average apartment or force cancellation of projects as unviable, all without any proof that dumping has occurred.

The Commissioner's Interim Decision needs to be reviewed to prevent tariffs being applied subjectively and without evidentiary basis.

Further, this interim decision places further unsustainable pressure on the housing market, driving up construction costs, and sustaining that pressure during a period of high inflation. As projects become unviable and homebuyers are unable to afford new apartments, the delivery of much needed housing supply will stall. This outcome is contrary to the clear direction set by all three levels of government, which have recognised that increased housing supply is the only means of addressing the housing crisis – **we need to be removing barriers to feasibility, not adding to them**.

Inconsistencies – treatment of exporters and the basis for the provisional measures.

There are several substantial inconsistencies in the Commissioner's Interim Decision:

1. **Investigated breaching organisations received penalties of up to 51.6%, that were at least 21.7% lower than "other manufacturers".**
2. **These "other manufacturers" were penalised with higher tariffs (at 73.3%), than breaching organisations**, despite not being investigated at all, or asked for information that was not considered by the Commissioner due to time constraints. More appropriately, they should not have been penalised at all because this is not an evidence-based assessment.
3. **The vast majority of Chinese manufacturers have not been investigated or found to have dumped** Aluminium Windows & Doors (**AWD**). Specifically, the Commission has found 1,435 Chinese manufacturers providing AWD to Australia (SEF p311), but appears to have only individually investigated a handful of manufacturers.
4. **There is no net impediment to the breaching organisations because all (bar one) Chinese AWD exporter were "punished" with tariffs without regard to compliance –** The breaching organisations are often least impacted.
5. **Industry's response does not evidence the Commissioner's finding of "one market" encompassing Class 1-9 dwelling windows** - impacted developers (who use Australian manufacturers for buildings up to 6

storeys), have been forced to pay security, or source other overseas suppliers & rather than source within Australia.

These inconsistencies have led to a decision where the Commissioner inadvertently aides breaching organisations and unfairly increases costs the majority of exporters providing AWD that have not been identified as dumping. The immediate knock-on effect is price rises for Australian residential developments and therefore Australian new homebuyers. This will risk much higher dwelling costs and stalling new housing projects.

Industry has indicated that alternative domestic supply is not available for some high-rise projects within the required specifications, volumes and delivery timeframes. The local market is simply unable to deliver the quantum and quality of stock required to support Australia's apartment market currently, and it will not be able to scale up appropriately in response to this decision. There are not suitable domestic substitutes available for every high-rise project.

It should also be noted that apartment construction levels are currently suppressed due to a range of factors including high construction costs and productivity challenges. If not addressed, this decision will:

- **Impose significant and unexpected additional cost on projects currently under construction**. This change will have impacts on live feasibilities, placing the completion of buildings and purchaser contracts at risk. In some cases, the increase in costs will be unable to be recouped through sales, particularly in the case of fixed-price contracts, placing project financing and project completion at risk.

- **Put projects at risk which have not yet commenced construction**. The additional costs imposed by these tariffs will impact feasibilities, rendering projects that were viable, now unviable. The net impact of this means less housing supply, placing greater pressure on housing affordability at a time when the country can least afford.

While we note and fully understand that the Commissioner was very explicit at p59 of the SEF (and other parts of the document), that there is no public interest test to take into account market impacts, the immediate impacts of security taking since 15 October, make it clear that the practical impact is the handful of breaching organisations will gain an advantage in the market for high-rise apartment AWD.

We urge the Commissioner to reassess the recommendations and make the following amendments (at a minimum):

1. **Tariffs should not be imposed on any manufacturer who has not been specifically evidenced to have dumped AWD in Australia.**

2. **The Commissioner should specifically launch and fully complete investigations on any other manufacturers suspected of dumping AWD before levying any tariff on them.**

3. **Clarify and confirm that any AWD already agreed to be purchased before 15 October, (or preferably before any final decision by the Minister), should not be subject to any tariffs in either instance above,** to ensure industry and new homebuyers are not unfairly penalised without recourse and affordability eviscerated. This is especially critical where there are on-going investigations suggested in 2 above.

The Issues

a) Tariffs for "breaching organisations, "residual exporters" vs "other manufacturers".

The Commissioner found only a handful of cases of dumped goods exported from China (except by Altop). The Commissioner also found subsidised goods exported from China by non-cooperative entities appear to have caused material injury to the Australian industry producing like goods (essentially AWD across all property classes 1 to 9). Unfortunately, few Chinese manufacturers were investigated (investigations outlined in Chapter 6 & 7 of the SEF). However, investigated breaching organisations ultimately received penalties that were at least 21.7% lower than "other manufacturers" or deemed "uncooperative exporters".

In summary:

- Investigated exporters: dumping

  Five Chinese organisations (out of a market of 1,435 Chinese AWD exporters), were considered to have dumped goods to Australia. Some were subsidised and others were not, but the subsidies were negligible (SEF p13). Tariffs were levied in line with the Commissioner's view of perceived breaches (SEF p12).

  They cumulatively represent only 29% of the Chinese AWD exported to Australia (SEF p36) – a minority of exports being used to base tariffs for the majority of exporters.

- Investigated exporters: not dumping

  Altop alone did not export dumped goods to Australia. No tariff.

- Residual Exporters: dumping

  None were investigated although they provided information under the Commissioner's Preliminary Information Request (PIR) posted on their website (SEF p 30), to the Commissioner.

  Residual exporters were 112 exporters all up, circa 68 are individual companies and the remaining 44 share similar names to the investigated exporters (and may be subsidiaries but not specifically stated). The Commissioner specifically noted:

  > *"Due to the large number of entities who provided a PIR response (discussed in section 2.4.3), the Commissioner consider that it was not practicable to examine the exports of the exporters listed in section 2.4.3. These exporters are residual exporters."*

  In effect, no investigation was done on the information provided by the exporters, and they have simply been given a tariff by virtue of being a Chinese manufacturer.

- So called "uncooperative exporters"
  These were considered to be any other Chinese exporter that did not provide information requested for the purposes of the investigation (SEF p132). The Commissioner only posted a PIR on their website, rather than requesting information from Chinese exporters specifically. Fundamentally, if any of the 1,435 Chinese AWD exporters did not look at the Commissioner's website and then respond to the PIR, they were

considered uncooperative. On our count, that is 1,318 uncooperative exporters who became subject to an extraordinarily board low bar for transgression that carried the maximum tariff penalty.

In addition, any exporters who provided information that the Commissioner regarded as incomplete in content or timeliness, were also considered "uncooperative". We make no comment on this other than to note the tariffs should optimally only apply in the instance of an actual evidenced dumping breaches or serious transgression and should ideally be proportionally justified.

- Other exporters

Any exporters not captured by any of the board categories above, were then subject to the maximum tariff in any event. This makes it very clear that irrespective of the sliding scale of effort by any respondent, there was always going to be a tariff recorded unless they were cleared by an actual investigation (a 1 in 287 chance).

The tariffs recorded against each of the Chinese exporters are outlined below.

Exporter	Duty method	Rate of IDD (%)	Rate of ICD (%)	Effective rate of ICD and IDD (%)
Altop	IDD: *Ad valorem* ICD: as a proportion of the export price	N/A	N/A	N/A
Broad		24.4%	N/A	24.4%
Guangdong Kete		12.1%	N/A	12.1%
Zhuhai Yipeng		51.6%	N/A	51.6%
Foshan AMJ		5.3%	N/A	5.3%
Yuanjiang		34.8%	N/A	34.8%
Residual exporters		24.4%	N/A	24.4%
Uncooperative and all other exporters		70.4%	2.9%	73.3%

Table 2: Securities payable by importers of the goods

Irrespective of the authority and powers of the Commissioner to determine dumping and levy tariffs, it is clear in this instance that (save the five investigated exporters), no other tariff was determined on evidence of any dumping or other commercial wrongdoing.

As discussed above, this has resulted in concerning outcomes:

- **It is a perverse outcome that residual exporters receive a 24.4% tariff for doing exactly what the Commissioner asked.** This is higher than the tariffs applied to most of those companies found to have actually breached the regulatory framework, and further, has occurred with no evidentiary basis.

- **It is equally unreasonable to apply a maximum 73.3% tariff on 1,318 exporters tagged as "uncooperative"** because (the vast majority), simply did not respond to a PIR posted on the Commission's website. This is not only higher than the highest tariff applied to parties actually found in breach, but is based on no evidence of wrongdoing.

- **All other exporters are equally given a 73.3% tariff without reference to evidence of wrongdoing.**

- It is sobering to note, that even if the "uncooperative" exporters and the "other exporters" had provided evidence for the PIR, through no fault of their own, they would still end up with a higher tariff than most parties in breach of the regulation. As set up by the Commissioner, there is literally nothing they could have done to avoid a substantial tariff of at least 24.4%.

- **The net effect is to penalise the entire Chinese AWD export industry and perversely give support to those breaching the regulatory requirement** because:

    1. All breaching organisations received a tariff of at most 51.6% (and as little as 5.3%), which is at least 21.7% lower than approximately 1,318 other exporters – they are commercially better off than the majority of the Chinese exporters and effectively rewarded by the Commissioner.

    2. Every Chinese AWD exporter received a penalty with one exception, which means parties abiding by the regulatory framework have been disadvantaged in the export market (irrespective of guilt or innocence), against those in breach.

- The secondary (and most important for industry), is that **the blanket tariffs on AWD out of China, mean those in breach will continue to be able to sell their product with support from the Commission,** because:

    1. Complying organisations will have (in all likelihood), a significantly higher tariff; and

    2. Australia's high-rise market is dependent on Chinese class 2 (and above), AWD for 7+ floor buildings – there is no viable substitute (see (b) below).

- In practice, the Commissioner has unwittingly aided parties breaching regulatory requirements to continue their practices by giving them significant commercial advantages over all other necessary Chinese AWD exports.

b) The practical impacts on housing

We note and understand the Commissioner's comment that there is no public interest test to consider the impacts of tariffs on the housing industry.

Unfortunately, the practical implications of the Commissioner inadvertently aiding future dumping of AWD by Chinese parties in breach, means the Commissioner should re-consider the facts and tariff penalties.

The practical realities of how the market works means:

1) Chinese AWD will continue to be needed for high-rise dwelling (7 floors and up); and

2) Parties in breach now (perversely), have a market advantage provided by the Commission.

In short, irrespective of the scope of the market, commercial forces favour the very people the Commissioner wants to stop.

Any tariffs or government intervention, should be levied on the basis of actual evidence of wrongdoing and the tariffs should reflect the level of the wrongdoing to prevent absurd outcomes (such as we see in this instance).

To summarise the primary practical issues:

1. Although there are numerous Australian manufacturers in class 1 dwelling AWD, there is a substantially thinner Australian market for class 2+ dwelling AWD, with no class 2 dwelling AWD at any practical scale for high-rise (7+ floors).

2. Irrespective of whether the Commissioner continues to consider it is all "one market" for Class 1-9 dwelling windows, the practical reality is the housing industry is now either:

    a. **Sourcing windows from other overseas exporters** because there is no Australian manufacturer with the ability to provide the requisite experience, scale, or time critical delivery needed; or

    b. **Paying the tariff security to get the product off the wharf** (most likely outcome) – which substantially adds to the cost of housing; or

    c. **Delaying scale housing projects if they are not yet committed to the build** or the project is no longer viable. Onshore suppliers often simply do not have the (often) millions of dollars needed to pay security.

3. While our collective preference is for the Australian industry to pick up the gap, the reality is that this is not happening in any material way because, according to high-rise developer members surveyed:

    a. there was no alternative supplier for their product.

    b. for existing contracts, Australian developers for high-rise have no choice but to continue with the delivery and bear the cost, risk litigation with other parties or stall the projects.

    c. there are overseas manufacturers with scale, experience, timely delivery and cost competitiveness that out-compete Australian manufacturers.

    d. Australian manufacturers do not have a track record in creating highly bespoke and technical complex AWD for high-rise – developers will not get organisational clearance to risk millions on untried, bespoke AWD systems.

    e. the Australian market is constrained in terms of size, quality, scope, and manufacturing ability. Developers have indicated there is no one domestic manufacturer that can provide high-rise bespoke AWD at the scale and delivery demand required for many developer build programs.

4. This means that with AWD costs being circa 2%-3% of build costs, the tariffs substantially increase costs (rather than create a new domestic market), and this adds up to tens of thousands per new apartment which will erode housing supply and affordability:

    a. **Project viability is at risk for projects already underway** – many are receiving revised costing from "residual exporters" or "other exporters" adding 24.4% - 73.3% to costs (adding millions more in cost). Critically:

        i. these are exporters who have not been identified as dumping AWD that face massive cost hikes.

        ii. As an indicative example, a project costing $130,500,000 and building 219 apartments for $600,000 each, an AWD window cost blow-out of 24.4% is $1.043m extra, and at 73.3% is $3.172m extra, which **adds between circa $4,800 to $14,500 more per apartment.**

    b. This creates a **critical feasibility risk** in particular for developers who have ordered AWD which have not yet been delivered, or off-the-plan apartment projects that have no way to pass on costs.

c. **In addition, the bond itself is stalling product from reaching projects** –due to an inability to pay the funds, confusion regarding who owes the money, disputes over whether product already landed is liable for a bond.

c) Next Steps

Irrespective of any adverse market impacts, it is very clear that the tariff rates need to be re-assessed and should be levied on the basis of evidence of wrongdoing.

The solution that solves the majority of problems raised in this submission are:

1. Remove tariffs on any Chinese manufacturer who has not been specifically found to have dumped AWD in Australia.
2. Launch and complete investigations on any other manufacturers suspected of dumping AWD before taking any tariff action on "residual", "uncooperative" or "other" exporters.
3. Urgently clarify and confirm that any AWD already agreed to be purchased before 15 October, (or preferably, before any final decision by the Minister), should not be subject to the tariffs, to ensure industry is not penalised and affordability eviscerated.

We are keen to discuss these issues with you at your earliest convenience.

Please let us know when you would be available to meet.

In the meantime, please do not hesitate to contact Andrew Mihno Head of Policy & Government Relations for UDA National on 0406 454 549 or Dan Rubenach, National Policy Director at Property Council of Australia, to discuss this submission.

Yours sincerely





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