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To: Investigations 1, Australian Trade Remedies Commission (Investigations1@atrc.gov.au)
From: Ellie Vaisman, Founder and Managing Director, Procon Materials Pty Ltd (ProCon)
Investigation: 691, Aluminium Windows and Doors exported from the People's Republic of China

2nd November 2026

Response to Statement of Essential Facts 691: Aluminium windows and doors from China

I run Procon Materials Pty Ltd (ProCon), an Australian-owned business based in Melbourne. ProCon imports aluminium windows and doors made in ProCon's own operated factory in Shandong, China, and is an interested party in this investigation. ProCon directly employs 28 full-time staff and keeps more than 30 full-time subcontracted installers working on Australian sites.
ProCon is a fully audited member of AGWA, the co-applicant. We design and engineer our own proprietary AWD systems, and in 2025 we invested more than $1 million in design, tooling and testing. We believe that we supply what the local industry does not supply in volume: high-performance, highly engineered aluminium windows and doors at a commercially reasonable price that ordinary builders and homeowners can carry.
That is the product this investigation now taxes.

[Page references are to the PDF of SEF 691].

A. Summary

The test the Commission must apply. Section 269TAE(2A) of the *Customs Act 1901* requires the Minister to consider whether injury is being caused by a factor other than the exports, "such as … **contractions in demand or changes in patterns of consumption**", "restrictive trade practices of, and competition between, foreign and Australian producers", "**developments in technology**" and "the export performance and productivity of the Australian industry", and states that "any such injury … **must not be attributed** to the exportation of those goods".

The Ministerial Direction on Material Injury 2012 requires injury "greater than that likely to occur in the normal ebb and flow of business". And a determination "must be based on facts and not merely on allegations, conjecture or remote possibilities"

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(s269TAE(2AA)). Every point below goes to that test. The SEF's list of other factors (p.197) examines a contraction in demand. It does not examine the **change in the pattern of consumption**: the Code-driven swing from commodity windows to high-performance windows. That is the factor that explains this case.

1. **The measures tax high-performance windows indiscriminately, and that is counter-productive.** The goods description catches everything up to 3.0 m high, "whether or not thermally broken, whether or not including sophisticated hardware" (p.70). A thermally broken, low-E, large-format or slimline door pays the same percentage as a single-glazed commodity slider and, because the duty is ad valorem, pays more dollars. The measures do not separate the applicants' everyday residential suites from the high-performance end they do NOT supply in volume. That end is what I call **bycatch** (Part B).

2. **Demand has swung to a product the applicants struggle to make. That, not dumping, is why they lost market share.** The entire building industry demand is swinging towards the high-performing product type that Ventora-related and legacy domestic window companies are at a disadvantage in producing. That is the real cause of their lost market share: not keeping up with technology advancements, and not being able to compete on performance.
   AGWA's own data proves the swing. On AGWA's NatHERS certificates, the share of new-house window area rated below U 3.0 has risen from about 3% in 2020 to about 15.5% in July 2026: **roughly five times, or about 500%.** The share at U 4.0 or worse fell from about 88% to about 59%. That is a change in patterns of consumption, and a development in technology, in the words of s269TAE(2A). It lines up, year for year, with the decline the applicants call material injury. **I ask the Commission to investigate and assess this linkage.** The SEF does not mention it (B.2; D.2).

3. **The rest is the construction downturn.** The applicants measure injury from FY2022, a stimulus peak. House starts then fell **24%** to FY2024 as the cash rate rose from **0.10% to 4.35%**. The industry's **19%** volume fall is of the same order, in the same years, and about three-quarters of it came before the investigation period. The industry kept **about 79%** of the market and Ventora "remained profitable" (pp.172, 177, 311). Fewer homes, and the homes that were built needing a different window: the applicants' loss is explained twice over, and neither cause is “dumping” (Part D).

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4. **The applicants' own brands turn away commercial packages.** In October 2026 a Melbourne commercial builder asked Ventora's Stegbar, Trend and A&L to quote a thermally broken, double-glazed low-E commercial window suite. All three said no, in writing. A&L: "We're not in commercial market." **Every Ventora window brand that was asked – declined!**
   Imports cannot *injure* the applicants in work the applicants will not even quote (Part C).

5. **The applicants' "over-specification" claim is contradicted by their own case, by AGWA and by independent assessors.** The applicants say thermally broken, low-E imports carry features "that may not be required" (EPR 691 doc 1, pp.19–20). In the same investigation they also list energy-efficiency code changes as a *driver* of their demand (p.109).
   AGWA's own data shows the market racing towards these products. An independent assessor says the window installed must match the energy report. It is astonishing (and convenient) that the applicants ask the Commission to treat the Code's own requirement as a *luxury* (B.2(d)).

6. **Some of the industry imports the very thing it wants taxed.** I hold information that major Australian window companies import their own thermally broken window sashes. Sashes are expressly goods under consideration (p.70). Seeking duties on thermally broken imports while importing thermally broken sashes is a contradiction the Commission should test (B.4).

7. **Homeowners will be caught in the crossfire.** Australians want light, views and bigger glass, and architects and designers draw it for them. More glass needs a lower U-value to pass 7 stars. Tax the high-performance window, in a market where local high-performance supply is thin, and the family building a home pays twice: more for the window, and then a **smaller, darker, uglier home with less glass**, because cutting the windows down is the cheapest way left to pass the energy rating. These are ordinary people who have nothing to do with this dispute. Duties will take Australian homes **backwards by decades** to 2400H generic, cookie-cutter product (B.2(a)).

8. **Duties make the compliance problem worse.** Many local quotes I see already fall short of the U-value in the energy report, backed by fudged certificates. I do not blame the fabricators for this alone. They are forced to provide a certificate to win the work, and many simply cannot make a window that meets it at a

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price the builder will pay. Their backs are against the wall. That is a structural flaw in the market. **Tampering with the market through duties makes it worse, not better:** remove the competition that delivers compliant windows at a fair price, and the pressure to certify what cannot easily be supplied only grows (B.2(e)).

9. **The 3.0 m height limit is wrong for everyday housing.** In my experience the great bulk of Class 1 panels are about **2.4 m high**. Of the local systems examined, only AWS and Alspec publish operable panels to 3.0 m. A goods description set at about 2.4 m would match everyday housing and leave taller, custom work open to actual fair competition (B.5).

10. **Measures will <u>concentrate</u> the industry, and the Government already knows that is a cost.** Today hundreds of proprietary suites come in from China, each carrying its own engineering and embedded R&D, as ours does. Applying measures here risks further cementing the market concentration towards the **5-10 major proprietary systems**. Structurally cutting consumer choice and optionality by **more than 80%** is not a "fair and level playing field". **It is systematic monopolisation.** In my opinion, around **60%** of the Australian industry's residential window supply already runs through six names: **Capral, AWS, Alspec, A&L, Trend and Stegbar**…. Is there a department of our Government that assesses the "injury" to the economy caused by anti-dumping measures? There is: the **Productivity Commission**. It found that the system "benefits a small number of import competing firms, but imposes greater costs on the rest of the economy", and that "there is no consideration of the wider economic impacts of anti-dumping measures". Sixteen years on, this SEF confirms there still is not (p.59; D.4).
    Common sense needs to be applied, for the benefit of all Australians.

11. **Class 2–9 is not the injury case. It is an unrelated casualty**, and duties there are an unjustified, huge hidden tax on housing and construction. They also hit **contracts already signed**. Class 2 window procurement typically runs **20+ weeks**, on a 36+ month project cycle. Applying measures with about one business hour's notice, or even from January, **without at least a six-month ramp-in, is unconscionable** (D.3).

12. **What I ask** is set out in Part E.

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B. Bycatch: the goods description over-captures

B.1 The point

The Commission's own findings show that these goods are priced by specification: price variation is "primarily a result of differences in AWD project specifications" (p.19), and the goods include "a wide range of high priced goods" (p.214). Ventora and AGWA say high-performance systems "form part of a continuum" (p.98). A continuum has a far end, and the applicants do not predominantly supply at the higher end in the ordinary course of trade:

- **thermally broken frames with double-glazed low-E units** at the U-values high-glazing designs now need (B.2, B.4);
- **slimline concealed-frame panoramic systems** (B.3);
- **taller and larger panels** (B.5); and
- **quality, sophisticated hardware** matched to high-performance frames (B.6).

These are not the "Standard Residential Suite" that Empire Windows describes as the core of Australian domestic production: "standard-gauge, non-thermally broken aluminium frames designed for high-volume, low-margin residential developments" (EPR 397). Those are not the majority of imported AWD. If the ARTC is able to review systems being imported, the generic, simple domestic-type product is most likely the least imported AWD product type by volume.
The investigation has caught the higher end of the spectrum in it's broad net anyway. That is bycatch: a duty on goods the industry does not offer in volume, with no subsidization-caused injury to remedy.

B.2 Demand swung to high performance. The applicants did not swing with it

(a) In plain English. Since NCC 2022 a new house must reach **7 stars** (S42C2). The NCC does not set a U-value for each window; it rates the whole house. But glass is where a house loses most heat, so the more glass a design has, the lower the U-value its windows need for the house to pass. The ABCB says so directly: where a design fails, "strategies which … reduce heat loss (lower U-Value) will be needed", and "If the design has a high area of windows, compliance will likely be more expensive" (*Housing energy efficiency handbook*, pp.83–84; Annex E, E4).

Homeowners want bigger windows: light, views, a connection to the garden and outdoors. The only way to deliver big glass at 7 stars is a high-performance window. Tax that window, in a market where local high-performance supply is thin, and the homeowner is the one caught in the crossfire. The builder's options shrink to smaller windows or a poorer house. **These measures will take Australian**

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housing backwards by decades: to smaller, darker, less attractive homes with less glass, and to poorer-performing stock. GBCA has already reported that, to manage the cost of 7 stars, developers "managed costs by slightly reducing the size of windows" (GBCA, 23 Sep 2024; Annex E, E5). Duties make that the default.

(b) AGWA's own NatHERS data: a five-fold swing since 2020. AGWA's July 2026 report charts the U-value of all windows on NatHERS certificates for new Class 1 houses, as a share of window area (Annex E, E1):

Window area in new Class 1 houses (national)	**2020 average**	**Jul 2026**
U below 3.0	~3%	**~15.5%**
U 4.0 or above	~88%	**~59%**

The high-performance band is up **about five times (around 500%)** in six years. The commodity band has lost about 29 points of window area. AGWA itself calls this "an ongoing shift towards lower U-value products … as the market adapts to more demanding building performance settings" (AGWA, 1 Sep 2026). Independent research says the same: windows below U 4 went from 6% of new-house installs in 2016 to 19% in 2024 (RMIT / La Trobe, *The Conversation*, 6 May 2025).

This is the link the SEF never examines. The applicants' claimed injury runs from FY2022. The 6-to-7-star step was phased in from 2023 (Annex E, E4). Over exactly those years, demand appears to have drained out of the commodity band where the applicants' everyday suites sit - and it diverted into the thermally broken, low-E band that the applicants conveniently dismiss as "over-specification".
The entire demand is swinging towards the high-performing product type that Ventora-related and legacy domestic window companies are at a disadvantage in producing. When a producer's core product loses share because buyers now need a different product, that is not injury caused by dumping. It is a market leaving a product behind: in the words of the Act, a "change in patterns of consumption" and a "development in technology" (s269TAE(2A)). **I ask the Commission to investigate and assess this linkage. If it has not, it cannot attribute the applicants' loss to dumping** (D.2).

(c) ProCon's national inquiry book: 50–60% and rising *(ProCon company evidence)*. ProCon quotes **200 to 300 projects every month**, from every state, across every sector: entry-level, mid-market and high-end houses, multi-residential, factories, medical and commercial. We market nationally and receive inquiries

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nationally. I am not aware of another supplier that sees the national market across so many segments at this scale. A single city or suburban fabricator sees only its own geography and its own customers. ProCon's inquiry book is, in substance, a national cross-section of what builders and designers are specifying now.

50% or more of those inquiries now call for a whole-window U-value below 3.0, and the share keeps rising (Annex E, E7). These figures are designers and councils specifying to their mandated energy compliance requirements.

(d) The applicants' "over-specification" claim is contradicted by everyone, including the applicants. The applicants told the Commission that the market is "flooded with thermally broken Chinese AWDs where much of the glass is toughened, and has low-emissivity coatings – that may not be required by many minimum build requirements", and that this "over-specification … creates a false equivalence between imported Chinese products and compliant domestic offerings" (EPR 691 doc 1, pp.19–20; Annex E, E6).

It is difficult to overstate how badly this claim fails:

- **The applicants' own case says the opposite.** They list "changes to building codes and regulatory requirements including requirements relating to energy efficiency" as a driver of their own demand (p.109). They cannot rely on the Code as a demand driver on one page and call it "over-specification" on another.
- **AGWA's own data says the opposite.** The co-applicant's certificates show this exact product up five-fold (B.2(b)), and AGWA attributes it to "more demanding building performance settings".
- **AGWA's own members say the opposite.** Supaglass, an AGWA member for 15 years, says its post-NCC 2022 energy reports "were repeatedly specifying U-values below anything they could source or fabricate locally" (EPR 530, para 8).
- **Independent assessors say the opposite.** GIW Environmental Solutions: "the product selected and installed should match the performance used in the building assessment", and "A change in glazing or frame specification should trigger review before substitution is accepted" (EPR 545, §6). The U-value in the energy report is the compliance requirement.
- **And the "false equivalence" is the applicants' own concession.** If these goods are not equivalent to the applicants' "compliant domestic offerings", the applicants have admitted they do not make them every day, and they cannot then use price gaps between the two to prove undercutting. Either way, the argument falls over.

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A window that lets a 7-star house keep its glass is not over-specified. It is specified to the Code. The applicants are asking the Commission to tax compliance itself, and call it a luxury.

(e) U-value compliance: fabricators have their backs against the wall, and duties make it worse. I agree, without reservation, that compliance validation for commodity product needs review, and above all that **U-value compliance must be policed**. AGWA says it "stands for a fair and level playing field, whether it is regulation, compliance, or free trade" (AGWA, *Anti-Dumping FAQ*, Q3; Annex E, E11). On compliance, I stand in the same place.

ProCon company evidence (market experience; not a census): many local fabricator quotes that customers show us fall short of the compliance requirements. The fabricator cannot reach the U-value in the energy report, and the job is backed by a **fudged certificate**, one that does not reflect the window supplied.

I do not put this all on the fabricators. Most are small Australian businesses. The builder needs a certificate to pass the energy report, so the fabricator is forced to provide one to win the work. If its system cannot reach the number at a price the builder will pay, its back is against the wall: certify, or lose the job. That is not a moral failing of individuals. It is a **structural flaw** in the market.

Now follow the logic. If local fabricators cannot easily meet compliance today, with import competition in the market, what happens when that competition is priced out? The builder loses the option of a compliant high-performance window at a fair price. The fabricator still eventually has to produce a certificate to win the job, and still cannot make the window comply at a fair price. **Tampering with the market through duties pushes more of the market to certify what it cannot supply.** Duties do not fix this flaw. They exacerbate it. They reward the certificate, not the window. The cure is enforcement: checking the certified U-value against the window actually installed, and a market where compliant product is affordable.

B.3 Slimline: domestic offerings cannot provide it

What I mean by slimline. European-style panoramic sliding doors with the frame **concealed on all four sides**, a slim interlock, and wheel tracks and carriages that can be replaced in place, without removing the door. ProCon's full case is in its separate exemption materials; it is summarised here only.

The test: a live RFQ, late October 2026. On a Victorian house ProCon was quoting, a slimline supply-and-install RFQ went to **20** local Victorian window and door

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suppliers. The energy report called for a whole-window U-value of **2.32**. **7 replied** (Annex B).

- **Trend (Ventora) refused:** "Trend will not be quoting this project."
- **Five fabricators offered one door option, and only one:** Alspec's ProGlide Minimalist.
- The seventh was the sole licensee of an ultra-luxury Swiss system (below).

The local contractors **could not supply the job**. Their answer was to **cut the openings down, substitute something else, and rework the energy report** to suit what they could make. One fabricator put it in writing: the slim door's "achievable performance is approximately U-Value 2.8 … so both the window schedule and U-Value requirement would need to be considered" (Triple E Windows & Doors, 29 Oct 2026; Annex B). In plain English: make the windows smaller AND change the compliance. **Neither the window schedule nor the compliance could be achieved. Period.** The local answer to a compliant design was to stop it being that design.

Why ProGlide Minimalist is not the like good. In one line each:

- **U-value:** it cannot reach the energy report. On Alspec's own WERS listings (Annex E, E8):

ProGlide Minimalist (Embedded Sill), WERS certified configurations	**Count**	**Share**
Total (all double glazed)	**37**	100%
Uw 2.80 or worse	**36**	**97%**
Uw below 2.80	**1**	3% (Uw 2.5, on a specialty dual low-E argon unit that is not everyday glass)
Uw 2.4 or better	**0**	**0%**

  Nothing on ProGlide gets below 2.8 except one build on uncommon glass, and nothing reaches 2.4 at all.

- **Wheels:** its wheel tracks and carriages cannot be replaced without removing the door *(ProCon company evidence)*.
- **Width:** it stops at about **3.6 m** wide at full height, a full metre short of the scheduled 4.6 m door, against a goods limit for doors of 7.0 m. A 4.6m door is not a massive sliding door size. Many are over 5-6m in new residential construction projects.

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Under the Commission's own reasoning, one material physical difference can be enough to find goods "not like, nor are they directly competitive" (EX0086 Final Report, p.9). ProGlide Minimalist has three.

The sole licensee: protectionism for the 0.1%. The SEF's finding of local slimline capability rests largely on Vitrocsa Australia (p.99), a **sole licensee** of a Swiss system and a supporter of measures (EPR 420). One licensee controls that supply and its price. Its systems sell at several thousand dollars per square metre. I have witnessed homeowners spend **$300,000 to $600,000 on Vitrocsa for a single home**. That is understandable at the very top of the market. It is not attainable, or realistic, for **99.9% of Australian homeowners and builders**. Taxing every competing Euro-style and slimline import so that the only local option is a half-million-dollar window package is not a trade remedy. It is protectionism. It is my view, and should be the Government's view, that slimline and Euro-style systems should not be captured by these measures.

B.4 Thermally broken product: made here, but thin at scale, size and price

Thermally broken, low-E suites **are** made in Australia: AWS, Alspec, Capral, Bradnam's, Dowell and others publish them (Annex E, E2). I do not say they are unavailable. I say supply is **thin**: at volume, at the sizes architects now draw, and at the price builders can carry.

- "Only a few companies make these windows in Australia, meaning competition is limited and costs remain high"; builders said "it was cheaper at times to import from Europe or Asia than to buy Australian-made" (RMIT / La Trobe, *The Conversation*, 6 May 2025).
- DENA (EPR 503): thermally broken systems "are not necessarily available across the broader Australian manufacturing market in the same range of configurations, dimensions, performance levels and price points".
- Major Australian domestic brands are discreetly importing partially assembled thermally broken kits / windows (sashes).
- Local thermally broken sliding doors do reach low U-values, but this is a specialist tier, supplied by a handful of system houses through their fabricators, within published size limits (B.5). It is **not** the volume residential suite on which the industry's injury case is built.

The industry's own answer is often an import. Of 14 Australian industry members whose questionnaires the Commission examined, **42%** report a "Shift toward imported inputs or imported systems to remain competitive" (p.180, Table 27). We hold credible information that **major Australian window companies**

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import their own thermally broken window sashes. Sashes are goods under consideration in their own right: the goods are aluminium windows and doors "whether fully or partially assembled, including their frames, panels, and sashes … whether or not thermally broken" (p.70). An industry that discreetly imports thermally broken sashes for its own windows, while asking the Commission to tax thermally broken imports, is contradicting itself.

B.5 Size: the 3.0 m height limit does not describe everyday housing

The goods run to **3.0 m high** (p.70). That is not what everyday Australian housing looks like. *ProCon market experience:* the great bulk of Class 1 window and door panels, by volume, are about **2.4 m high**. The local industry's own published ranges confirm where it lives (Annex E, E3):

System (published maximum operable panel height)	Height
A&L ComfortSmart Hybrid (Ventora), "standard sizes to suit brick openings"	2,365 mm (frame)
G.James 246 residential	2,400 mm
Dowell ThermaLine	2,400 mm
Wideline Ascend25	2,650 mm
Bradnam's Signature; Capral Urban 284 and 284TB	2,700 mm
AWS ThermalHEART 731; Alspec ThermAFrame	**3,000 mm**

Of the local sliding doors examined, **only AWS and Alspec publish operable panels to 3.0 m.** Everyone else stops between 2.4 m and 2.7 m. A goods description that reaches 3.0 m does not protect the everyday product of the Australian industry. It sweeps in the taller, custom work that most of the industry does not make.

I therefore ask the Commission to **set the height limit far lower, at about 2.4 m per panel**. That would still cover the everyday product the injury case is about, including, in my experience, essentially all of the everyday volume aluminium window and door product sold under Ventora's own brands. It would leave taller and custom work to the producers who do it best, local or imported, in open competition. At the very least, nothing above **2,700 mm** should be caught: above that height, only two local system houses publish a product at all (E.6).

Proprietary AWD system developers, like us, should not be pigeonholed into the industry's standard modules. We produce bespoke solutions to the opening the design calls for, so homeowners actually get what they asked for, not the nearest brick-module size.

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B.6 Hardware: it is about quality and sophistication

Whether hardware is "in or out" of the goods description means little on its own. What matters is the **quality and sophistication** of the hardware.

The upmarket architectural end of the market, which is what ProCon exports and what many Chinese factories export, combines performance, hardware, finish and compliance in one product: thermally broken frames, low-E glazing, multi-point locking, matched handles and smooth-running large panels.

In my experience, domestic systems typically come with **generic, cattle-class hardware**: the same basic locks and handles across the range, whatever the size, weight or price of the door. Capral's mainstream and thermally broken sliding doors, for example, list single-point, twin-point and flush mortice locks (Capral product pages, accessed 2 Nov 2026). That is not ideal for anyone: not for the homeowner who wants a secure, smooth, lasting door; not for the builder who wears the call-backs; and not for an Australian industry that should be competing on quality. Taxing the better-engineered product does not lift the standard of the generic one.

B.7 Why bycatch defeats likeness and injury for these goods

1. **Commercial likeness fails where the industry does not quote.** Likeness depends on local makers who "bid or quote on the project and confirm their ability to meet the relevant specifications" (p.74). For these goods the record shows refusals (B.3; Part C) and thin, size-limited supply (B.4–B.5).

2. **The undercutting evidence has not been shown to be specification-matched.** "Half of all quotes/tenders were undercut by 30% or more" (p.190). The SEF does not say whether the compared offers had the same thermal break, glazing and coating or even if the series/system was comparable. The Commission holds those fields (Table 9, p.72). A price gap between a non-thermally-broken local offer and a thermally broken low-E import is evidence of a different product, not of dumping.

3. **The Guidelines point away from a flat ad valorem duty here.** Ad valorem "may not be the most appropriate duty method when applied to goods which may have high priced varieties … particularly where a particular variety of goods was not causing injury" (p.213). The Commission finds "a wide range of high priced goods" (p.214) and picks ad valorem anyway, without addressing that limb.

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4. **Indiscriminate duties break the "fair and level playing field".** They tax Code-driven demand, concentrate the high-performance tier in the few local houses and licensees that make it, and widen the gap between compliant and non-compliant windows. On AGWA's own stated test, that breaks the goal completely (D.4).

C. The applicants' own brands declined a commercial package

The SEF finds that the Australian industry "produces and supplies AWD across all AWD market segments", including Class 2 to Class 9 (pp.15, 100–101), and that it "does have the technical capability offered by imported goods and is capable of supplying all AWD market segments" (p.201). It records that "no tender data was requested from end users" (p.189, fn 557). Here is what an end user was told.

The package. A Melbourne commercial builder provided me with its correspondence on a commercial project of about 2,500 to 3,500 m^2: a fully jambed commercial window suite, "not resi suite" (windows within openings, so goods under consideration and not curtain wall), thermally broken, double-glazed low-E, with laminated glazing to one elevation. The builder consents to the correspondence being shared with the Commission. Redacted copies are at Annex A.

The replies (October 2026):

1. **Stegbar (Ventora):** "Unfortunately we would not be able to do this, it is production out of scope. We recommend contact a local builder in your area."
2. **Trend Windows (Ventora):** "Sorry Trend will not be quoting on this project."
3. **A&L Windows (Ventora):** "The project sits outside our product and business scope. You could perhaps try a commercial fabricator." Asked which commercial fabricator might take it: **"None in particular. We're not in commercial market."**

Stegbar, Trend and A&L are window brands of **Ventora Group**, the lead applicant with AGWA (pp.6, 10). **Every Ventora window brand that was asked - declined.** Not one asked for drawings. A&L could not name a single commercial fabricator to refer the work to.

Both positions cannot be right. The applicants tell the Commission they supply every segment. Their own brands tell a builder, in writing, that an ordinary mid-size commercial package is "out of scope" and that they are "not in commercial market".

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A producer cannot be injured by imports winning work it refuses to quote. Spare capacity that will not quote is not supply (pp.101, 202).

What follows:

- **Likeness:** where the industry declines to bid, it does not compete for the work (p.74).
- **Lost tenders:** the SEF attributes $350 million of lost tenders and $72.6 million "forgone" on tenders the industry "elected not to bid for" to dumping (p.190), and describes the same $72.6 million differently at p.203. Projects the industry declined or could not supply must come out of both figures.
- **Exemption:** this correspondence is Step 1 evidence under s8(7) Ground One (ATRC, *Guidelines: How to apply for an exemption*, Oct 2026, p.5; Annex C).

Anticipated response: "the enquiries went to general channels." The builder used each brand's published enquiry route. None redirected it to a commercial division or asked for drawings. A&L's own answer was that it is "not in commercial market".

D. Injury and causation: the demand swing and the building cycle, not dumping

Figures in this Part come from the ABS, the RBA, Treasury, SEF 691, AGWA or the public record. Where a figure is my own arithmetic, the text says so.

D.1 The spine

Chinese windows and doors are not new to Australia: the SEF itself refers to "the established links and volumes maintained by exporters from China" (p.18). Yet no injury is claimed for FY2015–FY2018, the strongest years for dwelling starts in decades. The claim starts at FY2022, at the top of a stimulus-driven peak, and runs straight into two things the SEF does not separate from dumping: **a building downturn** and **a Code-driven swing in what buyers need**. The industry still held about 79% of the market and the lead applicant "remained profitable" (pp.177, 311). That is not material injury caused by dumping.

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D.2 The data

(a) The downturn.

ABS, original, FY to June	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026
New **house** commencements	102,405	**140,728**	**132,078**	110,797	**100,266**	110,409	119,097
All dwelling commencements	171,964	212,311	205,020	174,342	**159,521**	179,611	203,584
Dwelling **completions**	191,023	178,916	171,896	173,883	176,922	174,475	179,879

Source: ABS Building Activity, Australia, original series, FY sums of quarters, retrieved 28 Oct 2026 (Annex D; Annex E, E9).

- **The baseline is a stimulus peak.** FY2021 and FY2022 were the two highest years for house starts since 1990–91, pulled forward by HomeBuilder (Treasury, *HomeBuilder FAQ*).
- **Then the cycle turned.** The cash rate rose from **0.10% to 4.35%** (May 2022 to November 2023). House starts fell **24%** from FY2022 to FY2024, to their lowest since FY2013 (my arithmetic from ABS).
- **The industry's fall matches.** Industry volume fell about **19%** over the injury period (p.172), and on my arithmetic about **three-quarters** of that came before the investigation period, which cannot be presumed to be dumping (s269T(2AD); p.184).
- **The SEF concedes it.** The contraction "may explain in part" the decline (p.198). It is not quantified or separated.
- **Window prices were already up 44.1%** on 2019 by the June quarter 2026, before any securities (ABS 6427.0, Table 18).

(b) The demand swing: the linkage the SEF never tests. Across the same years, AGWA's own NatHERS certificates show window area below U 3.0 up about **five-fold (about 500%)** and window area at U 4.0 or worse down from about **88% to 59%** (B.2(b)). The 7-star step was phased in from 2023. The Australian industry's core product is the standard, non-thermally-broken residential suite (Empire Windows, EPR 397), and the applicants themselves describe the growing band as "over-specification". **Demand left the commodity band for the high-performance band, in exactly the years the applicants say they were injured.** The applicants lost share because they did not keep pace with the technology and could not compete on performance, not because of dumping.

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Put the two together and the applicants' loss is explained twice over: fewer homes, and the homes that were built needing a different window. **I ask the Commission to investigate and assess this linkage.** The SEF does not mention it. I submit it is unarguable that this swing, not dumping, is the cause of much of what the applicants call material injury, and that s269TAE(2A) requires the Commission to separate it before any finding of injury caused by dumping can stand.

(c) What else the SEF finds.

- Ventora "remained profitable"; its best margin was FY2023, after the claimed injury began (pp.176–177).
- Price depression was not accepted (p.176).
- Ventora's unit costs rose about 25%, "the bulk" in FY2022, "unrelated to Chinese imports" (pp.197, 200).
- Market share "may have been impacted" by consolidation and by customers seeking alternatives to "a highly concentrated incumbent supplier" (p.199).
- Half of quotes were undercut by 30% or more, against margins mostly far smaller (pp.188, 190). A gap that big is not explained by dumping.
- "not possible to achieve a representative sample of the market" (p.192).

(d) The legal test. Injury must be "greater than that likely to occur in the normal ebb and flow of business" (Ministerial Direction on Material Injury 2012). Injury from other factors, expressly including "contractions in demand or changes in patterns of consumption" and "developments in technology", "must not be attributed" to dumping (s269TAE(2A)). A Code-driven swing in what buyers must buy is a change in patterns of consumption, word for word. The SEF's own list of other factors (p.197) leaves it out.

D.3 Class 2–9 is an unrelated casualty, and a hidden tax

- **The injury case is Class 1.** The applicants' story is house starts, interest rates and affordability (p.109). The lead applicant's brands say they are "not in commercial market" (Part C). A commercial builder told the Commission that Ventora's brands "do not feature prominently in Class 2 – 9 construction and have not for a long period of time" (EPR 517, §3). Hickory Group says Australia lacks capability "at the scale, timeframe and specification required for major multi-storey residential and commercial projects" (EPR 408, p.201).
- **Duties cannot send that work to brands that will not quote it.** They only make it dearer: "Windows will still need to be procured from offshore and the costs will be passed onto end users" (EPR 517, §2).

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- **Contracts already signed.** Most Class 2 window procurement contracts run on a **20+ week procurement cycle**. Those projects typically have a **36+ month** cycle of feasibility, design, approvals, finance, pre-sales & construction - with the window package priced into budgets and head contracts long before. The PAD notice is dated 14 October 2026 and securities applied to goods entered from 15 October 2026, at 5.3% to 73.3% (p.12): in practice, about **one business hour's notice**. "Relief from Clients is unlikely, so this will either be worn by small business builders, or small business Subcontractors" (EPR 517, §2); "a fixed-price contract cannot simply be reopened" (Galmar, EPR 504, p.1).
  Applying any measures with one business hour's notice, or even from January, without at least a six-month ramp-in period, is unconscionable.
- **The cost has not been assessed.** The SEF says "the broader public interest considerations have not been considered" (p.60). On illustrative arithmetic at 24.4%, about **$6,300 to $8,800 per home** (Galmar, EPR 504, p.4); at 73.3%, up to about **$26,500** (my arithmetic). These are upper bounds, not forecasts. On goods the industry does not make or will not quote, that is an **unnecessary and unjustified, potentially huge hidden tax** on housing, during a Housing Accord that completions are nowhere near meeting (Annex E, E12).

D.4 Competition is not dumping, and measures will concentrate the industry

The supporters' case is a competition case. Of the fifteen published SEF responses from supporting Australian manufacturers and suppliers, thirteen frame their concern as competition, and ten use AGWA's exact words, a "fair and level playing field" (Annex E, E11). Mecal: "Competition is healthy." Clearview: "Competition is important, but it needs to be fair" (EPR 544, 532). Some supporters do not even make the goods (EPR 534, 539). Letters about competition prove competition. They do not prove dumping, and they do not prove that dumping, rather than the downturn and the demand swing, caused anyone's loss.

The SEF already names the real gap. It accepts that Chinese makers may enjoy "lower costs of labour, lower costs of energy, higher levels of productivity, greater levels of automation … economies of scale", and calls these "legitimate efficiencies" (pp.200–201). Propping up a less competitive industry is a different question from whether goods are dumped. Anti-dumping law answers only the second. Used for the first, duties become protection, and protection breeds **complacency, concentration and, in the end, monopoly**, paid for by builders and homeowners.

I am not against the Australian industry. I support strengthening it. I oppose **concentration**, fewer real choices for builders, and blanket cost increases on high-

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performance and Class 2–9 segments that buyers cannot avoid and the applicants do not supply as everyday product.

A clear warning: measures will further concentrate the industry. Today **hundreds of proprietary suites** are brought in from China, each carrying its own engineering and embedded R&D, as ProCon's own systems do. That is where Australian builders and homeowners have found the performance, sizes and designs the Code and their architects now ask for. Applying measures here risks further receding the market to the **5-10 major proprietary systems** that already dominate now before. Going from hundreds of available suites… to merely a handful …. structurally cuts consumer choice and optionality by more than 80%. That is not a "fair and level playing field". **It is systematic monopolisation.** We would be going backwards, as an economy and as an industry.

Concentration: my opinion, for the Commission to test. In my opinion, from years in this market, around **60%** of the Australian industry's residential aluminium window and door supply already runs through six names: **Capral, AWS, Alspec, A&L, Trend and Stegbar**. Three of those are Ventora's own brands. This is my estimate, not a published statistic. The Commission holds the data to confirm or correct it, and should do so before recommending measures that reduce competition further.

Who assesses the "injury" to the economy? The Commission assesses injury to the applicants in great detail. Is there a department of our Government that assesses the injury to the economy caused by anti-dumping measures? As it happens, there is. The **Productivity Commission** examined exactly that in its 2010 inquiry, *Australia's Anti-dumping and Countervailing System*. It found that the system "benefits a small number of import competing firms, but imposes greater costs on the rest of the economy", that "there is no consideration of the wider economic impacts of anti-dumping measures", and that "measures can too easily become akin to long-term protection". It recommended a public interest test to "prevent the imposition of measures that would be disproportionately costly" (Annex E, E13). The Government did not accept that test. It said instead that advice to the Minister may include "an assessment of the expected effect of any measures on market concentration and domestic prices" (*Streamlining Australia's anti-dumping system*, 2011, s6.2). Sixteen years later, this SEF says the Act "does not provide for the Commissioner to undertake a public interest test or an assessment of the overall economic impact" (p.59), and that "the broader public interest considerations have not been considered" (p.60). The Productivity Commission's warning describes this

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case exactly: a small number of firms benefit, and builders, homeowners and the wider economy pay. I ask the Commission, at the very least, to give the Minister that assessment and report the effect of these measures on concentration and prices.

Indiscriminate duties break the "fair and level playing field" completely. AGWA says it is "aware of many importing companies that are trying to do the right thing" and stands "for a compliant and fair playing field" (AGWA FAQ, Q6, Q7). Duties that charge the compliant high-performance window more than the non-compliant commodity window, and penalise importers doing the right thing alongside any who are not, do not level the field. They tilt it.

D.5 A rate structure that rewards the lowest Australian priced importer

I find this part of the SEF genuinely hard to believe.

The rates (p.12). The selected exporter with the lowest positive margin, **Foshan AMJ**, gets **5.3%**. Yuanjiang gets **34.8%**. Most importers pay the residual **24.4%**, and uncooperative exporters pay up to **73.3%** (pp.12, 150–151; Annex E, E10).

What that means in the market. SEM Windows (EPR 406) is an established manufacturer that **employs over 100 Australians**. To my knowledge, SEM's factory was hit with a rate of about **35%**: around **seven times** AMJ's 5.3%. Many others doing the right thing pay the 24.4% residual, around **five times** AMJ's rate, and some face up to **73.3%**, almost **fourteen times** it. In my experience, AMJ's goods sell in Australia at far lower prices than those of responsible and established importers and manufacturers such as SEM and ourselves, and below the cost price of many other exporters and of many local fabricators.

The outcome of this clearly flawed methodology is deeply ironic. It hands a **seven-times structural advantage** to an exporter that, in my experience, most in this trade would say is not contributing positively to the Australian market, over an established manufacturer employing more than 100 Australians, and a five- to fourteen-times advantage over many others doing the right thing. I make no allegation against AMJ, which cooperated and was verified. I criticise the result.

How can the Commission justify the efficacy of its methodology when an exporter whose goods sell below the cost of most other exporters, and below the cost of local fabricators, is rewarded with an individual rate about **five times lower than everyone else**? And how can it do so when **the prices at which the goods are actually sold in Australia, in Australian dollars, have not been taken into consideration at all**? The margins compare constructed costs in China with export

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prices. They do not compare what the goods sell for here. Yet s269TAE(1)(e), as the SEF itself summarises it, points to "the price paid or likely to be paid for goods exported to Australia from the country of export and sold in Australia" (p.188). A measure meant to remove injurious low pricing should not hand the lowest-priced channel the lowest rate. It defies belief that it does.

E. What I ask the Commission to do

1. **Investigate and assess the demand-swing linkage.** State whether, and how, the Commission has assessed the five-fold rise in sub-U 3.0 glazing on AGWA's NatHERS certificates since 2020 against the applicants' claimed injury, as a "change in patterns of consumption" and a "development in technology" under s269TAE(2A), and separate its effect from dumping.

2. **Find that material injury caused by dumping is not established, and terminate** (s269TDA); or at minimum quantify the downturn using dwelling numbers and real activity, separate it from dumping, and confine any injury inference to the investigation period (s269T(2AD)).

3. **Publish the thermally broken, insulated-glass and low-E shares** of exports and of Australian industry sales, which the Commission already holds under the model control code (Table 9, p.72).

4. **Re-test undercutting on specification-matched comparisons only** (same thermal break, glazing and coating).

5. **Lower the height limit** of the goods description to about **2.4 m per panel** (B.5). In my experience that would still cover essentially all of the everyday volume aluminium window and door product sold under Ventora's main window brands, Stegbar, Trend and A&L (Ventora's other window brands, Breezway and Aneeta, are specialist louvre and sash products). A&L's ComfortSmart Hybrid range, for example, is published in standard sizes to 2,365 mm. It would leave taller and custom work to open competition.

6. **Exclude or exempt, for ALL building classes (s8(7), Ground One):**

   (a) concealed-frame slimline and Euro-style systems with wheel tracks replaceable in place (B.3; ProCon's exemption materials);

   (b) fully jambed, thermally broken commercial suites of the kind the Australian industry declines to supply (Part C); and

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(c) **any window or door panel above 2,400 mm high**, the height above which only three local system houses publish an operable product at all (B.5).

7. **If measures are imposed anyway,** choose a form of duty that does not fall hardest on high-specification goods (a floor price, combination method or separate lower rate), and address the Guidelines' "particular variety … not causing injury" limb (p.213).

8. **Apply an all-characteristics test** to every claim of local supply: a product is like only if its producer shows every defining characteristic, with published test or WERS evidence, at a disclosed price.

9. **Remove declined, unquoted and unsuppliable projects** from the $350 million lost-tender and $72.6 million forgone-bid figures, and reconcile the two descriptions of the $72.6 million (pp.190, 203).

10. **Request tender and enquiry data from a sample of builders**, which was not requested (p.189, fn 557), and require Ventora to identify which, if any, of its brands readily quotes and offers a commercial suite for Class 2–9.

11. **Test the domestic industry's own importing,** including imported systems (Table 27) and thermally broken sashes (B.4).

12. **Review market concentration** by system house and brand, including Capral, AWS, Alspec, A&L, Trend and Stegbar, and report the effect of measures on concentration, prices and consumer choice, as contemplated by the Government in 2011 and recommended in substance by the Productivity Commission in 2010 (D.4).

13. **Separate competition from dumping:** attribute to dumping nothing that flows from the cost and efficiency differences accepted at pp.200–201.

14. **Examine Australian selling prices, in Australian dollars,** across selected, residual and uncooperative exporters, and explain how a rate structure that gives the lowest-priced channel the lowest rate removes injurious low pricing (D.5).

15. **Assess and report the cost of measures to housing and construction** under s269TL, and give **transitional relief**: at least a **six-month ramp-in** before any measures apply, and no measures on goods supplied under head contracts, supply contracts or planning permits dated before 15 October 2026 (D.3).

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Yours sincerely,



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Annexes

Annex	Content	Status	File
A	Melbourne commercial builder's correspondence with Stegbar, Trend and A&L, October 2026, redacted (Part C)	Non-Confidential	Annex_A_Ventora_brands_commercial_replies.pdf
B	Slimline RFQ, 29 October 2026: Trend and Triple E replies and the RFQ, redacted (B.3)	Non-Confidential	Annex_B_Slimline_RFQ_replies.pdf
C	ATRC, *How to apply for an exemption*, Ground One, Step 1 (p.5) (Part C)	Non-Confidential	Annex_C_ATRC_exemption_guidelines_extract.pdf
D	ABS Building Activity, Australia: financial-year totals, FY2013–FY2026 (D.2)	Non-Confidential	Annex_D_ABS_building_activity_FY_totals.pdf
E	Evidence extracts E1–E13: AGWA NatHERS data, published U-values and panel heights, NCC/ABCB, market research, public submissions, ProCon inquiry share, ProGlide WERS census, injury data, SEF rates, supporter responses, Class 2–9 submissions, Productivity Commission (Parts B–E)	Non-Confidential	Annex_E_Evidence_extracts.pdf