27 October 2026

Mr D Latina
Australian Trade Remedies Commission
GPO Box 2013
CANBERRA ACT 2600
By email to: investigations1@adcommission.gov.au

Dear Mr Latina,

RE: Investigation 691 into Alleged Dumping and Subsidisation of Aluminium Windows and Doors Exported from the People's Republic of China

ITEM	DETAIL
Submitter:	Head Construction Pty Ltd trading as Altum Constructions ABN 65 641 484 871 ("Altum")
Role in Investigation:	Importer and end user (owner/developer) of aluminium windows and door systems for home consumption
Address:	David Low Way, Peregian Beach Qld 4573
Contact:	Mr Alex Rigby – Director Mr Rob McCready – Director
Goods:	Aluminium windows and door systems
Submission lodged in response to:	SEF 691 published 14 October 2026; lodged within the 20 day period under section 269 TCZDA (3)(a)(iv) of the *Customs Act 1901* (Cth).
Version Lodged:	Non-confidential version for the public record (section 269 ZJ).

Facts Applicable to Altum

1. Altum's core business is the construction and sale to the public of home units and houses with particular emphasis on producing affordable housing so keenly sought by the Australian Government.
2. Altum has recently successfully completed a five-story block of affordable housing for BlueCHPQ Limited, in conjunction with the Queensland Government, comprising 70 units at Beerwah, Queensland where the Queensland Government placed strict time limits on the construction phase to meet its own needs and policies.
3. Altum presently has under construction two housing developments at:

   32 Bayview Terrace, Deception Bay Qld – comprising 42 units.

   80 Peachester Road, Beerwah comprised of 19 townhouses.

   ("relevant developments")
4. The relevant developments are architecturally designed with customised aluminium windows and doors that must be manufactured and delivered to the specific design within the strict time limits required for the relevant developments. This is a substantial cost component of the development and failure to supply competently and on time adds considerably to the cost of the relevant developments which has to be absorbed by Altum and cannot usually be passed on to the consumer because Altum is constrained by fixed price sale contracts. This can substantially reduce the profit margin of each development or even make the development unprofitable.
5. Reliability and quality of supply is of fundamental importance to the development and the knock-on effects of failure to achieve this can have disastrous adverse consequences for Altum.
6. The National Construction Code energy requirements and other requirements as to energy efficiency have driven up the cost of aluminium window and door products and the higher standards have pushed specifications toward double glazing and thermally broken windows and doors adding substantially to the cost of compliant houses and units. This specifically applies to the relevant developments.
7. The relevant developments are being carried out in regional Queensland and the complexity and scale of the products required for the relevant developments could not be supplied by Australian manufacturers and certainly not within the time frame required by the relevant developments. Therefore, Altum had to seek the products externally and China, with its large and diverse manufacturing base, was the only commercial choice.
8. Furthermore, it is essential that Altum fix its supplier and price early so it can fix it's sale price for the relevant developments. Otherwise, it cannot get funding for the developments. Once sale prices for the developments are fixed, they cannot be easily changed without jeopardising the whole development, and usually it is not possible to change at all due to contractual terms.
9. It is for the above reasons that Altum selected [redacted] China through its agent [redacted] ("the exporter) to supply these products.

10. Altum had no knowledge of the investigation by the Commissioner in relation to the alleged dumping and subsidisation of aluminium windows and doors exported to Australia from China and to the best of its knowledge and belief, neither did its exporter [redacted] or its agent [redacted] Altum's first knowledge of the matter was on 19 October 2026 when [redacted] sent it an email attaching the Trade Remedies Notice No 2026/147 it had received from the Commissioner dated 14 October 2026.
11. We expect that [redacted] and/or [redacted] will lodge with you their own submissions but [redacted] has advised Altum that [redacted] is not on the list of exporters listed on the Trade Remedies Notice so presumes it falls into the category of "other exporters." As Altum has now been advised by [redacted] that it had no prior knowledge of the investigation (and neither did [redacted]) it cannot be classified as an uncooperative exporter.
12. Altum has entered into a binding agreement with [redacted] to import the goods for a fixed price and has relied on that agreement to price the relevant developments.
13. Altum has paid [redacted] the full purchase price for the goods and they are currently being manufactured in China.
14. The door and windows are all to be utilised by Altum to be built into the relevant developments. Altum does not and never would facilitate or be involved in dumping any goods into the broader Australian market. Put simply, it purchased the goods to be utilised in the relevant developments and any future purchases would be to install them in its own developments on a job by job basis.

Inequity and Injustice

15. It is apparent:
    (i) That Altum and [redacted] had never been advised of the investigation initiated on 25 November 2025 so had no opportunity to make submissions about it.
    (ii) That the parties who were notified of the of the investigation were subjectively chosen at random.
    (iii) That there has been no individual investigation of [redacted] or [redacted] Ltd but they have been lumped into the SEF as "the exporter" indiscriminately.
    (iv) That Altum has entered into a binding commitment with [redacted] for the supply of goods and paid the price for them.
    (v) That Altum has potentially been subjected to a retrospective tariff increase of such magnitude that it cannot afford it and, if not paid, the goods will remain on the wharf and the relevant developments will be rendered uneconomic and may not be able to proceed. This makes a mockery of the Australian Government's quest for affordable housing and its assertion that it is doing all it can to achieve this.

(vi) Retrospectivity: Whilst the Government may have the power to impose retroactive duties, the Courts apply a presumption against retrospectivity. The usual practice is to backdate to the date of the Ministerial announcement. In this case, the Minister has not made any announcement but the Commissioner has issued Trade Remedies Notice 2026/147 on 14 October 2026, and we submit this is the relevant date. To select any date earlier than this would be arbitrary and an abuse of process. Given that Altum entered into its contracts with [redacted] and paid for the goods prior to 14 October 2026, it should have no liability for the duty and to impose it is potentially unlawful.

16. For all the above reasons and many more, any action by the Minister to impose this tariff on the exporter or the importer is unconscionable and potentially illegal.

Other Matters

17. The Minister has acknowledged in the SEF that it has requested submissions from many interested parties on the broader economic and public interest aspects of its preliminary findings including:
    (a) That potential Anti-Dumping measures directly increases construction costs.
    (b) Builders, developers, etc. have limited capacity to alter these costs.
    (c) Building material costs have increased substantially since 2019 and that additional cost would place further pressure on housing affordability and delivery.
    (d) Imposition of these duties will increase tender prices and will have broader effects on employment and investment within the construction sector.
    (e) The duties could impede the National Housing Accords target and Government Housing Australia Future Fund Projects.
    (f) The duties have impacts on existing and future projects which extends to social and housing affordability.

    All the above matters impact directly on Altum as well as on the public interest and the Minister has a duty to consider them having regard to its discretion under section 269 TL (1) of the *Customs Act 1901* (Cth).

    Yet, despite this, the Commissioner says it has not considered the broader public interest considerations in making its preliminary findings (SEF p.60)

Request

Altum requests the Commissioner to:

(i) Exempt Altum from its imposition of any of the proposed duties;

(ii) Include in any further or final report an assessment of the expected effect of its duties on dwelling and town houses costs to the consumer, and the effect on competition and housing affordability so the Minister can assess the public interest.

(iii) Address the matters raised above before finalising its recommendations.

(iv) Remove the retrospective effect of the measures so they do not affect orders or contracts or commitments entered into before 14 October 2026 and in particular the contracts entered into by Altum with [redacted] prior to 14 October 2026.

(v) If measures are still recommended, ensure that they are fair and just and proportionate to the individual circumstances and provide a mechanism for exporters and importers who have had no prior knowledge of the investigation to appeal against the measures.

ALTUM CONSTRUCTIONS ACN 641 484 871

Alexander Rigby
Director

Robert McCready
Director