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PUBLIC RECORD

19/11/2026

Investigations 1
Australian Trade Remedies Commission
By email: investigations1@atrc.gov.au

Dear Commissioner,

Investigation 691: Aluminium windows and doors exported from the People's Republic of China
Response to the submissions of Skyspan Australia Pty Ltd (EPR 745 and EPR 814) on skylights

This submission responds to the matters raised by Skyspan Australia Pty Ltd ("Skyspan") in EPR 745, placed on the public record on 6 November 2026, and EPR 814, placed on the public record on 17 November 2026 as a response to Luminor's request (EPR 524). Both were placed on the record after submissions on Statement of Essential Facts 691 ("SEF 691") closed. It is non-confidential and may be placed on the public record. It adds no new confidential material and relies on Luminor's submission (EPR 524) and its attachments.

1. Summary

Skyspan's submissions do not show that skylights are aluminium windows within the goods. On their own terms, they confirm the physical differences that separate them.

- **Skyspan concedes the differences.** It accepts that roof units need "different profiles, drainage arrangements, flashing, hardware or performance characteristics". These are features built into the goods and visible at import, not matters of end use.
- **The standards draw the line Skyspan says is missing.** AS 2047, the window standard the applicants rely on, excludes "skylights and roof lights and windows in other than the vertical plane". Skylights have their own standard, AS 4285-2019 Rooflights.
- **The goods description already accepts this kind of distinction.** It excludes curtain wall, an aluminium-framed glazed product, which the Commission distinguished by its "relationship with the building structure" (SEF 691, section 3.8). Skyspan's test would not allow that exclusion either.
- **Skyspan's injury claims are unsupported.** It gives no volumes, values, dates, customers or lost orders, and it took no part in the investigation before SEF 691.
- **Our request is about scope, not an exemption.** It can be dealt with in the final report without delay, using wording based on physical features identifiable at the border (section 5).

We ask the Commission to confirm in its final report that skylights are not within the goods, as requested in EPR 524.

2. What Skyspan claims

EPR 745 and EPR 814 are the same letter, signed by Skyspan's General Manager and dated 3 November 2026. EPR 814 repeats EPR 745 word for word under a new title. It adds no new evidence, figures or products. We therefore respond to both together. The letter makes six claims:

1. Roof windows have "the essential characteristics of aluminium windows": an aluminium frame, glazing, and sashes and hardware where operable.
2. The only distinction is "where and how the window is installed". Roof-specific differences are a "difference of degree and application, not of product-kind", borrowing the applicants' words on window wall.
3. There is no "sufficiently clear physical boundary" between a skylight and an in-scope window, and Luminor's statement that skylight, roof window and rooflight are different names for the same product makes that worse.
4. An exclusion would turn on end use.
5. Skyspan has made aluminium roof windows in Australia for about 40 years, competes directly with Chinese imports including Watte's, has lost orders and faces pressure on its operations and employment. It says Australian manufacturers make "fixed, operable, sliding, retractable and walk-on configurations".
6. Any skylight question should be left to a formal exemption process after the final report and the Minister's decision.

We respond to each below.

3. Response to Skyspan

3.1 Sharing a frame and glass does not make a product a window

Skyspan's test is that a product is a window if it has an aluminium frame, glazing and, where operable, a sash and hardware. That test proves too much. Curtain wall, shopfronts, glazed balustrades, conservatory roofs and glazed roof systems all share those features. The goods description itself excludes curtain wall, which is aluminium-framed and glazed. Sharing materials and components does not decide what a product is.

The question is whether a skylight is a window, in the ordinary meaning of "aluminium windows and doors". The applicants accept that the Australian product standard is legitimate guidance on that meaning: "it is plainly legitimate to have regard to the relevant Australian product standard (AS 2047)" (EPR 440). AS 2047 excludes "skylights and roof lights and windows in other than the vertical plane" (clause 1.1, Note 5(d)). Skyspan does not mention AS 2047 or AS 4285 at all.

3.2 The differences Skyspan concedes are physical, not matters of installation

Skyspan accepts that roof units "may require different profiles, drainage arrangements, flashing, hardware or performance characteristics". It then treats these as accommodations to an installation environment. They are not. They are designed and manufactured into the goods, and they are present when the goods are imported.

Feature	Aluminium window (AS 2047)	Skylight (AS 4285-2019)
Plane of installation	Vertical, in a wall opening	Roof plane, flat or pitched up to 70°
Frame	Fixed into a wall opening, with reveals, sills & subframes	Integral kerb, upstand or base frame built over a roof opening
Weatherproofing	Sill and frame drainage for a vertical face	Roof flashing to the roof sheeting; drainage designed for 0° to low pitch
Glazing	Vertical glazing to AS 1288	Overhead glazing to AS 1288: laminated inner pane

Feature	Aluminium window (AS 2047)	Skylight (AS 4285-2019)
Loads tested	Wind, water penetration, air infiltration in a vertical plane	Watertightness at roof pitches, concentrated loads (1.1 kN maintenance load), wind uplift
Operation	Fixed, Slides, hinges or tilts in a wall	Fixed, Lifts, rises, slides or retracts across a roof, operable versions are mostly motorised

Luminor's AS 4285 test reports show these differences in practice. Both units were mounted on a roof frame and flashed to the skylight frame. They were tested for watertightness at pitches from 0° to 27° (EPR 524, Attachment B). No wall window is tested that way.

3.3 The cyclonic window comparison does not work

Skyspan compares a skylight with a window built for cyclonic conditions. A cyclonic window is still a window under AS 2047. It is still installed vertically in a wall and tested to the same standard, at a higher rating. A skylight is outside AS 2047 altogether and is tested under a different standard, for different loads, in a different plane.

The applicants' phrase "difference of degree and application, not of product-kind" was about window wall. AS 2047 expressly covers window wall (clause 1.1(e)) and defines it as "a series of multi-light windows" (EPR 454). The same standard expressly excludes skylights. The applicants' reasoning on window wall therefore supports our position, not Skyspan's.

3.4 The goods description already draws this kind of line

Skyspan says installation in a roof cannot distinguish a product. But the goods description excludes curtain wall, and the Commission distinguished window wall from curtain wall by "relevant differences in their configuration and relationship with the building structure" (SEF 691, section 3.8). A skylight's relationship with the building structure is that it forms part of the roof and its weatherproofing. On the Commission's own test, that is a relevant difference.

3.5 Different names for the same product

Skyspan misreads our statement that skylight, roof window and rooflight are different names for the same product. We said this so that a product sold as a "roof window" could not be treated as a "window" because of its name (EPR 524, section 3). AS 4285-2019 uses "rooflight" as the general term covering "skylights, roof windows and tubular skylights" (clause 1.1). The point is that all three are rooflights. It is not that a rooflight is a wall window.

Skyspan agrees the three terms describe the same category. That supports a single exclusion naming all three, which is what we have proposed.

3.6 The exclusion does not turn on end use

Skyspan's end-use concern answers a different request. The applicants objected to an exemption tied to the building class and floor area of a project, which the ABF cannot see at the border (EPR 454). Our proposed exclusion is defined by features of the goods themselves: an integral kerb, upstand or base frame; roof flashing; and overhead glazing for installation in a roof plane (section 5). An ABF officer can see these on the goods, the drawings and the test reports at import. That meets the applicants' own test, that excluded goods be identified "by reference to their own characteristics, at the time of importation" (EPR 454).

3.7 Skyspan's injury claims are unsupported

Skyspan says it has lost orders and faces pressure on operations and employment. It gives no volumes, values, dates, customers, projects or examples of a lost order. It does not say what share of its business is aluminium skylights, or how much is resale of imported brands. As noted in EPR 524, Skyspan's range includes Velux products, which are imported.

Skyspan took no part in the investigation before SEF 691. It is not among the 21 Australian industry members the Commission lists as supporting the application (EPR 450). SEF 691 identifies no skylight producer in the Australian industry it examined. Its injury findings concern window and door packages. An unquantified claim lodged at the end of the investigation cannot be verified and is not evidence of injury from skylights.

Skyspan also says Australian manufacturers make "fixed, operable, sliding, retractable and walk-on configurations". It names no product, model, size or sales of any such unit, by itself or any other manufacturer. We ask the Commission to give this claim no weight unless it is supported by evidence.

3.8 No later exemption process is needed

Skyspan proposes that skylights be considered through a formal exemption process after the Minister's decision. Our primary request is not an exemption. It asks the Commission to state the correct scope of the goods, which it must do in the final report in any event. That requires one sentence, or one line in the goods description, and it will not delay the report.

Leaving the question until after measures are imposed would mean securities or duties at 73.3% on a product the investigation did not examine, while a separate process runs. That outcome serves no purpose of the investigation.

4. The rest of the record supports treating skylights separately

Skyspan is the only party on the public record that opposes treating skylights separately. Other parties have independently treated them as distinct from the goods.

EPR	Party	What it says about skylights
585	Foshan Watte Intelligent Doors and Windows Co. Ltd (exporter)	Supports Luminor's request; files its AS 4285 test reports, detail drawings and an SGS factory audit
589	Foshan Deezon Windows and Doors Co., Ltd (exporter, unrelated to Watte)	Separately asks the Commission to clarify the status of "electric skylights installed in a roof plane" and applies for an exemption for them
472	EcoEco Windows and Doors (importer)	In testing the applicants' production share, lists a supporting manufacturer's "skylights" among its activities other than aluminium windows and doors, alongside timber products and installation
787	Ventora Group and AGWA (applicants)	Its response to SEF 691 makes no argument that skylights are within the goods

Two unrelated exporters have raised the same question. The final report should answer it expressly, so that importers and the ABF can apply the measures consistently.

5. Exclusion wording and requests

Skyspan asks for a distinction based on "objective and material" characteristics of the goods. We agree. To meet that concern, we propose that the exclusion in EPR 524 be refined to name the physical features that identify a skylight at import:

> *"Skylights, roof windows, rooflights and roof access hatches, being glazed units designed for installation in a roof plane, whether fixed, manually operable or motorised, that have an integral kerb, upstand or base frame for fixing over a roof opening and are designed to be flashed to the roof covering."*

Each element can be checked against the goods, the product drawings and the technical data at the border. A unit designed to be installed in a wall opening would not meet the description, whatever it is called on an invoice.

We ask the Commission to:

1. give no weight to Skyspan's unquantified claims of injury and Australian production, unless they are supported by evidence the Commission can verify;
2. state in the final report that aluminium-framed skylights, roof windows, rooflights and roof access hatches are not within the goods, as requested in EPR 524;
3. in the alternative, add the exclusion above to the goods description;
4. confirm that units exceeding the dimensional thresholds are outside the goods, and how height and width are measured for a unit installed in a roof (EPR 524, section 5); and
5. ensure the Dumping Commodity Register reflects the outcome, so that securities taken on skylights can be refunded.

6. Conclusion

Skyspan accepts that skylights differ from windows in their profiles, drainage, flashing, hardware and performance. Those differences are built into the goods. They are why skylights are excluded from AS 2047, have their own standard in AS 4285-2019, and are tested as roof elements. Skylights were not examined in this investigation, and Skyspan has given the Commission no evidence that would justify bringing them in now.

We would be happy to provide further information, or a demonstration of our skylights at our Bennetts Green showroom.

Yours faithfully,



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