SKYSPAN
AUSTRALIA PTY LTD

Our Locations

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03.11.2026

Dear Commissioner,

Skyspan submits that aluminium roof windows are properly characterised as aluminium windows within the goods description in Case 691. The goods description is deliberately broad and covers aluminium windows whether fully or partially assembled, including their frames, panels and sashes, with or without glass and hardware, subject to the specified dimensional limits. It does not limit windows by their orientation in a building, installation location, opening mechanism or particular end application.

The products identified in the exemption request as "skylights", "roof windows" and "rooflights" are all substantially similar aluminium-framed glazed assemblies. Importantly, the exemption request itself acknowledges that similarity by stating that "skylight, roof window and rooflight are different names for the same product." Skyspan agrees that these terms are commonly used in the market to describe the same or substantially similar category of product.

In physical terms, these products are windows and possess the essential characteristics of aluminium windows. They comprise an aluminium frame supporting glazing and may be fixed or operable. Operable products may incorporate a sash, hinges, locking mechanisms, actuators and other window hardware. Those characteristics correspond directly with the components expressly contemplated by the Case 691 goods description.

The principal distinction relied upon appears therefore to be where and how the window is installed, rather than a fundamental difference in the nature of the goods themselves. A window installed vertically in a wall and a window designed for installation at an incline or horizontally within a roof may require different profiles, drainage arrangements, flashing, hardware or performance characteristics because of their respective applications. However, differences required to accommodate a particular installation environment do not necessarily create a different product category.

This is consistent with the position already advanced by AGWA and Ventora in Case 691 in relation to other exemption requests. Their submission observes that variations in matters such as profile weight, wall thickness and glazing reflect the range of applications in which aluminium windows are used and can represent a "difference of degree and application, not of product-kind."

The same principle should apply to roof windows. The fact that a window has been engineered for a roof application should no more remove it from the category of aluminium windows than engineering a window for cyclonic conditions, higher wind loads or another specialised application changes its fundamental product character. The

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relevant question should remain whether the imported goods objectively possess the characteristics of the aluminium windows described in Case 691.

Skyspan is also concerned that the proposed exemption does not appear to establish a sufficiently clear physical boundary between an exempt "roof window" or "skylight" and an otherwise in-scope aluminium window.

This difficulty is reinforced by the exemption request's own statement that "skylight, roof window and rooflight are different names for the same product." If interchangeable terminology is used for substantially similar goods, the name applied to a product cannot itself provide a reliable basis for determining whether the goods are covered.

Nor, in Skyspan's view, should the eventual orientation or installation location provide that boundary. Otherwise, two substantially similar aluminium-framed glazed assemblies could potentially receive different treatment because one is window is destined for installation in a wall and another in a roof.

That would make the exemption turn substantially on end use, rather than an objectively identifiable difference in the imported goods. In its response to other Case 691 exemption requests, AGWA/Ventora has already raised the difficulty of exclusions that depend upon the project or building into which goods will subsequently be installed rather than characteristics capable of identifying the goods themselves at importation

Roof windows directly compete with Australian-made goods, The issue is not theoretical for Skyspan. Skyspan has manufactured aluminium roof windows and related glazed products in Australia for approximately 40 years. Its Australian-manufactured products compete directly with imported Chinese roof windows for the same customers, projects and applications.

Skyspan has observed increasing competition from Chinese-manufactured roof windows, including products supplied by Watte and through Australian distributors. Skyspan has lost orders to imported products and has experienced associated pressure on its Australian manufacturing operations and employment.

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This direct competitive relationship is important. Products for which an exemption is sought are not serving an entirely separate market for which there is no Australian manufacturing capability. Australian manufacturers already produce the same or substantially similar category of aluminium roof window, including fixed, operable, sliding, retractable and walk-on configurations.

From Skyspan's perspective, excluding the imported product simply because it is marketed as a "skylight" or indeed "roof light" would therefore exclude goods that directly compete with Australian-manufactured aluminium roof windows even where the imported goods otherwise satisfy the Case 691 description.

Skyspan therefore submits that there is no demonstrated basis for a general exemption for aluminium roof windows, skylights or rooflights.

The appropriate distinction should be based upon the objective characteristics of the goods, not the terminology used to market them, their orientation when installed or the particular part of a building in which they will ultimately be used. Where a product is an aluminium-framed glazed window assembly, possesses the components and characteristics contemplated by the Case 691 goods description and falls within the specified dimensions, Skyspan considers that it should remain within scope unless an objective and material characteristic can be identified that distinguishes it from those goods.

Skyspan recognises that the terminology used across the industry, differences in product configuration and the range of applications in which these products are installed can make questions of product scope complex. We would welcome the opportunity to assist the Commission with any further questions arising from this submission, including by providing additional information regarding product characteristics, manufacturing methods, applications, Australian-manufactured equivalents, the nature of competition with imported products and the resulting injury to Australian industry. Skyspan's intention is to assist the Commission in understanding how these goods are manufactured, supplied and used in practice in the Australian market, and to ensure that any distinction ultimately drawn is based on meaningful and objectively identifiable differences between the goods.

At the same time, Skyspan does not consider that the need for any further examination of the proposed exemption should delay the completion of Case 691, the Commission's Final Report or the subsequent decision of the Minister. If the Commission considers that the proposed exemption warrants further detailed consideration, Skyspan submits that the appropriate course would be for the current investigation to proceed to completion and for the exemption to then be considered through a formal exemption process following the Final Report and the Minister's decision. This would allow the particular characteristics of the goods and the consequences of any proposed exemption to be

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properly examined, with input from affected Australian manufacturers and other interested parties, without delaying the determination of the broader investigation.

Accordingly, Skyspan submits that installation in a roof is an application of the aluminium window, not of itself a basis for treating the product as a different good, and the requested general exemption should not be granted.

Yours faithfully,



Scott Fooks

General Manager

Skyspan Australia Pty Ltd

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