

Commonwealth of Australia 2013

**ISSN 1447-1329  
ISBN 978-1-74037-447-7**

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**An appropriate citation for this paper is:**

Productivity Commission 2013, *Safeguards Inquiry into the Import of Processed Tomato Products*, Accelerated Report, Report no. 63, Canberra.

The Productivity Commission

The Productivity Commission is the Australian Government’s independent research and advisory body on a range of economic, social and environmental issues affecting the welfare of Australians. Its role, expressed most simply, is to help governments make better policies, in the long term interest of the Australian community.

The Commission’s independence is underpinned by an Act of Parliament. Its processes and outputs are open to public scrutiny and are driven by concern for the wellbeing of the community as a whole.

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The Hon Joe Hockey MP  
Treasurer

Parliament House

CANBERRA ACT 2600

Dear Treasurer

In accordance with Section 11 of the *Productivity Commission Act 1998*, we have pleasure in submitting to you the Commission’s accelerated report on *Safeguards Inquiry into the Import of Processed Tomato Products.*

Yours sincerely

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| --- | --- | --- |
| Signature of Peter Harris, Presiding Commissioner Peter Harris  Presiding Commissioner | Signature of Paul Barratt, Associate Commissioner Paul Barratt  Associate Commissioner |  |

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# Terms of reference

SAFEGUARDS INQUIRY INTO THE IMPORT OF   
PROCESSED TOMATO PRODUCTS

***Productivity Commission Act 1998***

I, David Bradbury, Assistant Treasurer, pursuant to Parts 2 and 3 of the Productivity Commission Act 1998, hereby request that the Productivity Commission undertake an inquiry into whether safeguard action is warranted against imports of processed tomato products falling within tariff subheading 2002.10.00.60 of the Australian Customs Tariff.

The inquiry is to be undertaken in accordance with the World Trade Organization (WTO) safeguard investigation procedures published in the *Gazette* of S297 of 25 June 1998, as amended by GN39 of 5 October 2005.

The Commission is to report on:

* whether conditions are such that safeguard measures would be justified under the WTO Agreement;
* if so, what measures would be necessary to prevent or remedy serious injury and to facilitate adjustment; and
* whether, having regard to the Government’s requirements for assessing the impact of regulation which affects business, those measures should be implemented.

In undertaking the inquiry, the Commission is to consider and provide an accelerated report on whether critical circumstances exist where delay in applying measures would cause damage which it would be difficult to repair. If such circumstances exist, and pursuant to a preliminary determination that there is clear evidence that increased imports have caused or are threatening to cause serious injury, the Commission is to recommend what provisional safeguard measures (to apply for no more than 200 days) would be appropriate.

The Commission is to provide the accelerated report to the Government as soon as possible but not later than 3 months and a final report within 6 months of receipt of this reference. The reports will be published as soon as practicable.

The Commission is to consult widely, hold hearings and call for submissions for the purpose of the inquiry.

David Bradbury  
Assistant Treasurer

Received 25 June 2013

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