

17 August 2021

ACCC Merger Investigations Division  
Consultation into proposed amalgamation of BPAY, eftpos and NPPA  
(Reference: MA1000020)  
By Email: mergerauthorisations@acc.gov.au



To whom It may concern

I write to make a submission regarding the application for proposed undertaking given to the ACCC relating to the merger of BPAY Group Pty Ltd and BPAY Pty Ltd (together BPAY), eftpos Payments Australia Limited (eftpos) and NPP Australia Limited (NPPA) under a new entity (NewCo) by way of share acquisition.

Restaurant & Catering Australia (R&CA) is the national industry association representing the interests of over 48,000 restaurants, cafés and catering businesses across Australia. The café, restaurant and catering sector is vitally important to the national economy, generating nearly \$35 billion in retail turnover each year as well as employing 450,000 people. Critically, over 93 per cent of businesses in the café, restaurant and catering sector are small businesses, employing 19 people or less.

R&CA delivers tangible outcomes to small businesses within the hospitality industry by influencing the policy decisions and regulations that impact the sector's operating environment. R&CA is committed to ensuring the industry is recognised as one of excellence, professionalism, profitability and sustainability. This includes advocating the broader social and economic contribution of the sector to industry and government stakeholders, as well as highlighting the value of the restaurant experience to the public.

In short, R&CA has two key concerns with the proposed undertaking we wish to raise with the ACCC in considering this merger:

**1. Continued lack of small business representation**

R&CA notes that no part of the undertaking allows for further representation of small business stakeholders as part of the proposed merger. R&CA strongly submits that the ACCC should take steps to further involve small business industry groups in the new proposed entity.

**2. LCR must be enforced**

R&CA notes the efforts and measures included in the undertaking regarding the availability of LCR. R&CA also notes the enforceability of LCR under the undertaking in line with section 87B of the act. R&CA strongly submits that this enforcing LCR should be considered an active role for the ACCC, and that enforcement measures should be ongoing to ensure LCR is maintained.

Finally, R&CA believes that LCR standards should be set by the ACCC, not by the new proposed entity.

If you have any questions relating to this proposal, please do not hesitate to contact R&CA's Head of Policy, Government & Public Affairs, Tom Green at

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Regards

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**Wes Lambert CPA FGIA MAICD**  
Chief Executive Officer  
Restaurant and Catering Australia