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By email: [REDACTED]

8 December 2025

Dear [REDACTED]

Anti-competitive agreements in the construction industry

We are writing to draw your attention to a recent public outcome relevant to businesses in the construction sector.

We would appreciate if you could inform your members about this public outcome and the potential consequences of not complying with the competition provisions of the *Competition and Consumer Act 2010* (CCA).

Recent public outcome

On 12 November 2025, the Australian Competition and Consumer Commission (ACCC) announced that John Holland and the Construction, Forestry and Maritime Employees Union (CFMEU) had voluntarily terminated their agreements requiring John Holland to use only three specific labour hire businesses on two major infrastructure projects in New South Wales following an ACCC investigation.

The ACCC was concerned the agreements prevented other labour hire businesses from competing for work on the projects.

In response to the ACCC's concerns, John Holland agreed not to make any agreements with unions in future that would limit its choice of labour hire companies or create certain preferential arrangements. John Holland also committed to implementing a competition law compliance assessment when reviewing agreements with unions and undertaking staff training on the application of competition law in industrial relations.

More information about this outcome is available on the ACCC website at www.accc.gov.au/media-release/john-holland-ends-agreements-with-cfmeu-after-accc-investigation.

Our role

The ACCC is responsible for administering and enforcing the CCA, promoting competition, fair trading and regulating national infrastructure for the benefit of all Australians.

The ACCC uses a range of tools to encourage compliance and prevent breaches of the CCA, including business and consumer education, and working closely with stakeholders and other agencies. The CCA also provides the ACCC with a range of enforcement remedies to address contraventions of the Act, including court-based outcomes and court enforceable undertakings.

Addressing anti-competitive agreements and practices is an enduring compliance and enforcement priority for the ACCC.

Examples of anti-competitive conduct which may contravene the CCA include:

- a business making an agreement with a union which prevents the business:
 - acquiring goods or services from someone it is accustomed to acquire goods or services from
 - supplying goods or services to someone it is accustomed to supplying goods or services to
- secondary boycotts, where at least two people work together to prevent or hinder a third person acquiring or supplying goods or services to a fourth person
- businesses communicating, cooperating, or colluding about how they will conduct their respective businesses.

More information about anti-competitive conduct is available on the ACCC website, at: www.accc.gov.au/business/competition-and-exemptions/competition-and-anti-competitive-behaviour.

Complying with the CCA

It is important for businesses to comply with the CCA. Legal action by the ACCC can result in the Court imposing significant pecuniary penalties.

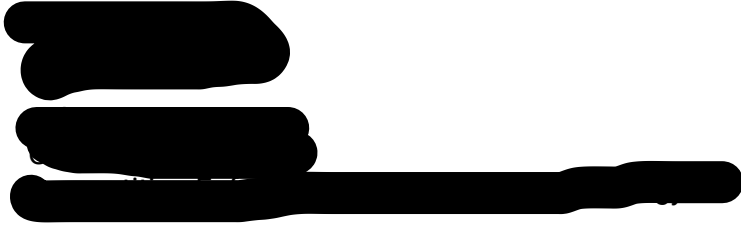
The ACCC encourages businesses to implement a compliance program to help them comply with their obligations under the CCA. The ACCC has guidance on its website about compliance programs, at: www.accc.gov.au/business/compliance-and-enforcement/implementing-a-business-compliance-program.

In particular, for businesses in the construction sector, a compliance program may need to be tailored to include:

- competition law training for industrial relations staff and responsible executives on the interface between industrial relations and compliance with obligations under the CCA; and
- processes for a competition law compliance review of any agreements entered into with unions.

If your members have concerns about anti-competitive conduct by a business in your industry, we encourage them to make a report to the ACCC.

Yours sincerely

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