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Liability as a Principal and under Agency for Companies in a Corporate Group: ACCC v Emma Sleep GmbH – *Adrian Coorey*

In the recent decision of *Australian Competition and Consumer Commission v Emma Sleep GmbH*, important factual and legal questions were raised in relation to establishing the liability of a parent company and related body corporate for contravening conduct of an Australian subsidiary. The decision provides valuable insight into the current state of law, especially in relation to the principles of agency and the attribution of liability of a director, employee or agent to the body corporate under s 139B(2) of the *Competition and Consumer Act 2010* (Cth). This article provides an in-depth discussion of the facts and legal issues raised in the decision, and concludes with an outline of implications and key legal principles that were confirmed by the Court in this case. 221

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