

Authority, Accountability and the Evolving Role of the Australian GC

Community



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The role of the General Counsel in Australia continues to expand in influence, responsibility and complexity — often without a corresponding increase in formal authority. This was a central theme of a recent ACC hosted webinar exploring findings from the **2026 ACC CLO Australian Survey**, which brought together senior legal leaders to discuss the realities facing in-?house counsel in Australia.

Moderated by Chris Drummer, ACC Director of Policy and CLO Engagement (APAC), the panel featured Michelle Monteleone (Vice President, Legal & General Counsel, Coca-Cola Europacific Partners), Rebecca Lim (General Group Counsel, Transurban), Stuart Symons (Group General Counsel, Mirvac), and **Carla Liedtke** (Managing Director, FTI Consulting). FTI Consulting sponsored the global ACC CLO Survey and its Australian Supplement.

Their discussion highlighted the key challenges shaping the modern Australian GC role: reporting structures and the tension between influence and authority, heightened regulatory scrutiny, evolving governance expectations, rapid technological change, the role of General Counsel as moral compass, the implications of the STAR case on escalation obligations, and the need for legal teams to upskill in AI while helping businesses implement new technologies responsibly.

Watch the live recording here.

Where Australia diverges from global trends

The 2026 survey reveals several areas where Australian Chief Legal Officers diverge from their global peers.

Australian CLOs report:

- **Greater regulatory pressure**, with a higher incidence of regulatory investigations and enforcement activity;
- **Broader role scope**, advising across governance, ethics, compliance, privacy, risk management and crisis response;
- **Heightened personal accountability**, particularly in governance and risk matters; and
- **Cautious technology adoption**, particularly in relation to AI, despite strong expectations from CEOs.

According to Carla Liedtke , Managing Director at FTI Consulting, these findings reflect both the maturity of the Australian regulatory environment and the increasingly central role legal teams play in risk management and organizational decision?making.

Reporting lines matter — for CLOs personally

One of the most consequential survey findings for Australian CLOs is structural. Only 66 percent of Australian CLOs report directly to the CEO, compared with 84 percent globally.

While reporting lines alone do not determine effectiveness, panelists agreed they materially affect a GC’s:

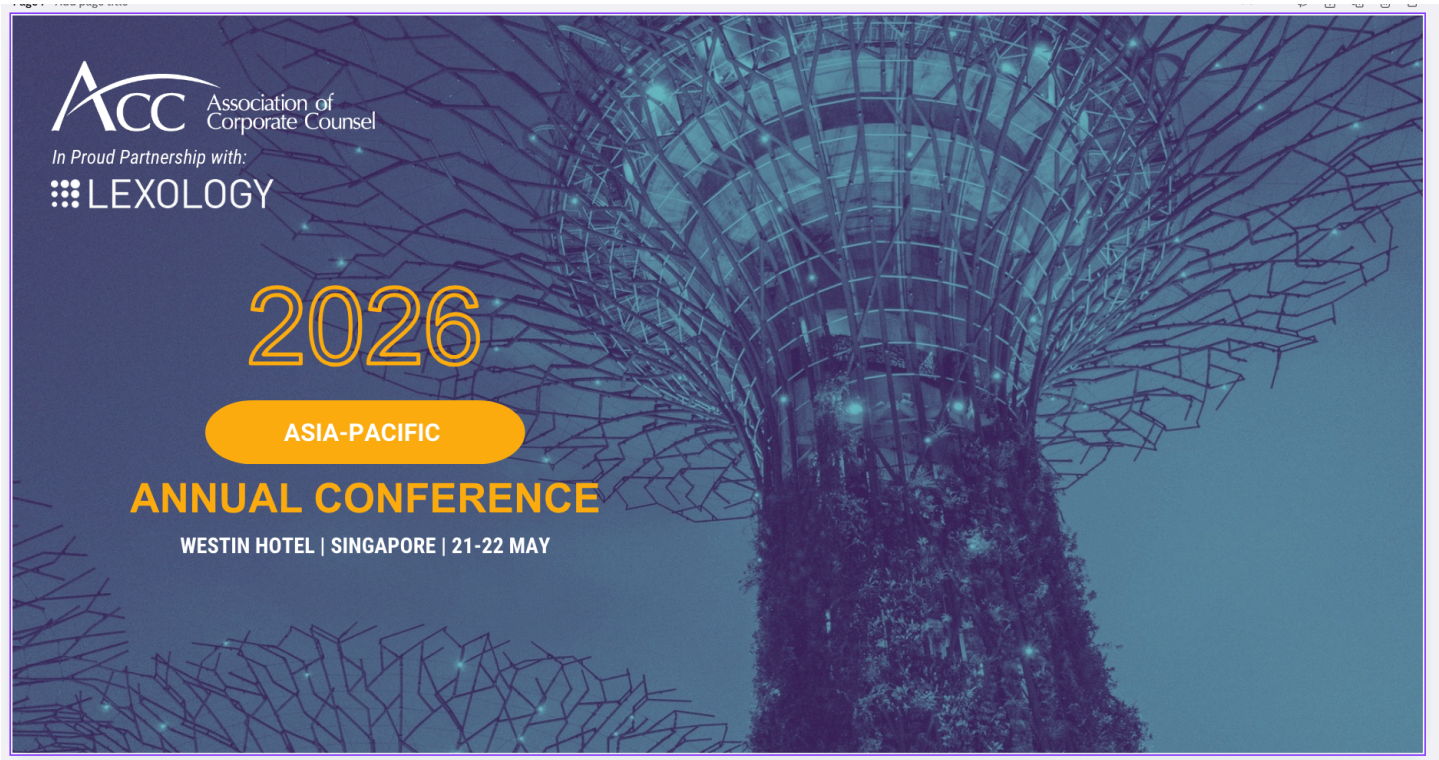
- Ability to influence strategic decisions;
- Capacity to escalate serious issues; and
- Personal protection when fulfilling statutory and professional duties.

As Monteleone observed, Australian CLOs increasingly hold responsibility without corresponding authority. “Our roles are expanding into enterprise risk, ethics and governance, but reporting structures have not always caught up.”

At the same time, informal influence remains critical. Credibility, access, and strong relationships — including the ability to directly engage with CEOs and boards — can help CLOs bridge structural

limitations.

For CLOs, this creates a real professional tension. Legal accountability attaches to what you influence — not your title or reporting line — and distance from the CEO or board can complicate how those obligations are discharged in practice.



The STAR decision and escalation obligations

The panel devoted significant attention to the implications of the Federal Court's decision in the **STAR case**, which has sharpened expectations around escalation and accountability.

Key themes included:

- **Duties attach to influence, not title.** Legal and governance obligations arise from the role a GC plays in shaping decisions, regardless of reporting lines.
- **Escalation does not stop with the CEO.** In matters of serious legal or regulatory risk, CLOs may need to ensure issues reach the board.
- **Silence or incomplete escalation is not a safe option.** Reliance on organizational structures alone will not discharge professional or statutory duties.

The discussion reinforced the importance of access to boards, robust internal pathways, and the willingness to challenge established reporting lines where necessary.

The GC as ethical adviser and moral compass

The survey results indicate that Australian CLOs are more likely than their global peers to view themselves as their organization's moral compass, even where ethics is not formally within their remit.

Drawing on her experience during the Banking Royal Commission, Lim emphasized the importance of distinguishing between:

- *What the organization can legally do*, and
- *What it should do* from an ethical and reputational perspective.

Increasingly, CLOs frame advice through both lenses — "Can we?" and "Should we?" — particularly in a post-royal commission environment where expectations of ethical leadership are heightened.

Panelists cautioned, however, against positioning the GC as the sole ethical decisionmaker. Building
ethical capability across executive teams and boards remains critical to sustainable governance.

Technology, AI, and responsible adoption

Survey results also highlighted a clear tension between CEO expectations around AI capability and the measured pace of adoption by Australian legal teams. Only15 percent of Australian legal departments have implemented AI with 39 percent plan to adopt new technology in the next year.

Panelists agreed this caution reflects regulatory reality rather than resistance. AI adoption must be transparent, auditable, and governed, particularly in an environment of assertive enforcement and evolving expectations around data governance, privilege and accountability.

Key concerns include privacy, privilege, traceability, and discoverability, as well as uncertainty around acceptable error rates and the risk of unsanctioned AI use across the business. At the same time, AI is already demonstrating value in document analysis, investigations, identifying high-risk data, and early case assessment. The next frontier — including AI "agents" performing end-to-end tasks — will require new capabilities in oversight, validation, and prompt design.

According to Symons, it's important that the legal function stays really close to the IT department, so that there can be a brokered policy framework that works for everyone.

Legal teams were encouraged to:

- Engage early with technology and digital leaders;
- Develop practical AI governance frameworks; and
- Educate business users on risk, discoverability, and appropriate use.

Experience with AI within legal teams was seen as essential to providing credible, informed advice to the business.

Capability, skills, and the future of legal teams

Despite assumptions that AI will reduce headcount, most Australian CLOs do not foresee immediate contraction in legal teams. Instead, the panel predicted a shift in skill mix.

Priorities include:

- Upskilling lawyers to supervise and evaluate AI-generated work?;
- Investing in legal operations, data, project management and technology expertise; and
- Supporting the business as it adopts new tools and navigates new risks.

Short to medium term demand for legal advice may increase as organizations adapt to regulatory change and technological complexity.

A sustained regulatory focus

The survey confirms that Australia remains a high enforcement jurisdiction. 33 percent of Australian CLOs reported experiencing a regulatory investigation, compared with 25 percent globally, with many experiencing multiple interactions.

Contributing factors include overlapping regulatory regimes, expanding compliance obligations, and limited guidance in emerging areas such as cybersecurity, privacy, and scam prevention.

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Panelists agreed that this environment places renewed emphasis on governance design, escalation pathways, and proactive engagement — areas where in-house counsel play? a critical role.

Looking ahead

The 2026 ACC CLO Australian Survey paints a clear picture: Australian GCs are more influential, more exposed and more central to organizational decision making than ever before. Australian CLOs are operating at the intersection of law, governance, ethics, technology and risk — often with increasing exposure but limited structural protection.

To succeed in this environment, CLOs must:

- Secure meaningful access to CEOs and boards;

- Align authority with accountability;
- Invest in new skills and governance frameworks; and
- Support responsible innovation while managing regulatory risk.

As the panel concluded, influence without authority is increasingly difficult to sustain — and addressing that gap will be one of the defining challenges for Australian in?house leaders in the years ahead.

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