

Unilink

Legal & Risk Newsletter

University-affiliated Facebook pages

Social media, through sites like Facebook, Twitter and YouTube, has quickly become a great way for organisations to engage directly with their audiences. Facebook is currently the dominant player in the field, with more than 1 billion people and 21,000 organisations worldwide having accounts.

Here at the University, Facebook provides a great opportunity for Schools and administrative operating units to build ongoing relationships with key stakeholders, such as students, alumni and prospective students. However, there are several risks and issues to consider before creating a University Facebook page.

Firstly, here are five questions you should be able to confidently answer:

Can you play by Facebook's rules?

The internet is often characterised by notions of content being 'free and open'. But even a behemoth like Facebook has rules, relating to everything from what you can post on a page to how pages must be managed. Make sure you fully understand Facebook's Terms and Conditions and that you are able to construct your page according to their rules, as well as aligning with the University's [branding specifications](#).

Do you have the time?

On average, you should aim to devote around 30 minutes a day (eg. 10 minutes in the morning, 10 at lunch, and 10 at the end of the day) to monitoring your page, posting content and interacting with your audience.

Do you have the content?

You may have some great ideas about what you want to initially use your Facebook page for, but once you get past those first couple of weeks, what will you do? Do you have enough content to warrant a page?

Are you ready for the Negative-Nellie's?

Social media is all about the conversation. Facebook makes it easier for your audience to tell you what they like, but also to tell you what they don't like. It is very likely you will receive negative comments. If you're not prepared to listen to and handle the people that you're talking to, don't get in the game.



Where to start. . .

If you are sure you want proceed with a Facebook site, you will need approval from your Head of School or Branch to establish your site. Please consult the University's [Social Media Guide](#) on how to establish and manage your site. Lastly, ensure that your site and content complies with the law, in particular copyright, privacy and consumer law, as well as University policies (such as the IT Acceptable Use and Security Policy).

For more information, or to discuss creating a Facebook site for your area, contact Ben Osborne (Digital Content Coordinator) on 8313 5181

Education & Awareness Program **REMINDER**

Legal & Risk offers education and awareness sessions to all areas of the University during 2013.

To learn more about legal, risk, compliance, contract management or insurance issues, please join the program. We can tailor a session for your team. Sessions can range from 1 hour to a half-day workshop.

To inquire about a training session for your area, please email helpdesklegal@adelaide.edu.au.

For more details, refer to the [2013 scheduled dates](#) on the Legal & Risk website.

A “troll” is a slang term used to describe a person who deliberately posts inflammatory statements or deliberately off-topic comments on a website with the intention of invoking an emotional response or being disruptive (their behaviour is called trolling).



Can you record a meeting?

Not so long ago, clunky tape-recorders and hand-held Dictaphones were still being used to record conversations, interviews and meetings. These days, most phones and tablets have simple applications which make audio recordings with just a few taps on the screen. You might be tempted to walk into all University meetings with the intention of pressing “play” on your phone, to help you take notes of complex conversations. Before you do, consider whether the other people in the meeting are aware that they will be recorded, and if they are comfortable for that to happen. You must not do it “secretly”.

Listening devices and the Law

In South Australia, it is **illegal** for you to record private conversations covertly on any sort of device. Under the [Listening and Surveillance Devices Act 1972 \(SA\)](#) a person must not use a device to “over-hear, record, monitor or listen to” any private conversation except with the consent of the parties to that conversation.

If you are prosecuted for this offence you could face a fine of up to \$10,000 or imprisonment for up to 2 years.

What is a private conversation?

A private conversation is one which you can reasonably assume the parties do not want to be overheard by others. It is reasonable to assume that the vast majority of meetings about University business are private conversations, such as discussions about scholarship applicants, proposed joint-ventures, and employment disputes.

What does “consent” mean?

Consent can be “express” or “implied”.

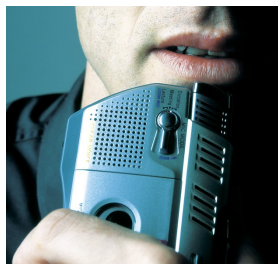
Express consent may be in any form, such as spoken, a nod, or a signed piece of paper, but it must be clear and unmistakably stated.

For example:

*“Would you mind if I recorded this meeting?”
“No I don’t mind. Go ahead.”*

Implied consent is instead inferred from a person’s actions and the facts and circumstances of a particular situation (or in some cases, by a person’s silence or inaction).

For example, if you place a dictaphone on the middle of the table and in front of everyone press play and say “*Recoding of meeting, 9am, 2 May 2013*”, and then proceed to conduct the meeting, and the other parties say nothing, then they have arguably implicitly consented to the meeting being recorded.



A private conversation or meeting can only be recorded if there is permission (express or implied) of all the parties to it.

If you want to tape a conversation which you think is potentially going to be sensitive, we strongly recommend getting the express consent of the parties (either in writing or by having them give their consent in the recording itself). A person accused of improperly recording a private conversation/meeting has to *prove* he or she had the consent of the other parties to the conversation/meeting, and if you are relying on the other parties to admit that they consented, you are utterly dependant on their memory and honesty.

Tips

- ✓ Assume that all work related conversations are “private” and do not tape them without consent.
- ✓ As a matter of workplace etiquette it is better not to tape any conversation (private or not) without the express consent of all the parties.
- ✓ Remember that a recording of a conversation about University business is subject to same record keeping obligations as any other record of the University.

For more information, contact Kim Evans (Senior Legal Counsel) on 8313 6103 or email kim.evans@adelaide.edu.au.

Compliance Resources

Want to learn more about your compliance obligations?

One of the most challenging aspects of compliance can be figuring out what your obligations are under a piece of legislation. Staff may be familiar with State or Federal Acts that apply specifically to their area, but less familiar with Acts that apply more generally to the whole of the University.

The Legal & Risk Branch has prepared compliance education material for staff. Our E-101s (legislative summaries) give an overview of an Act as it applies to the University. Each summary is in easy-to-read language, details the personal and institutional consequences of non-compliance and sets out many of your obligations under the Act.

32 summaries are available to download from the Legal & Risk website (www.adelaide.edu.au/legalandrisk/resources/), including those on the following Acts:

- [Children’s Protection Act 1993 \(SA\)](#)
- [Competition and Consumer Act 2010 \(Cth\)](#)
- [Fair Work Act 2009 \(Cth\)](#)
- [Fringe Benefits Tax Act 1986 \(Cth\)](#)
- [Health Practitioner Regulation National Law Act 2010 \(SA\)](#)
- [Spam Act 2003 \(Cth\)](#)
- [Workers Rehabilitation & Compensation Act 1986 \(SA\)](#)