

SOCIAL MEDIA LIABILITY: A CASE STUDY OF THE LEGAL IMPLICATIONS OF WARNING



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EMERGENCY SERVICE AGENCIES QUESTION WHETHER LEGAL IMPLICATIONS CAN ARISE WHEN USING SOCIAL MEDIA AS A CHANNEL FOR WARNING. TO ANSWER THIS QUESTION, THE RESEARCH EXAMINES THE CASE LAW ON WARNING MORE BROADLY AND APPLIES THE FINDINGS TO A SOCIAL MEDIA CASE STUDY. THE FOCUS IS ON NEGLIGENCE ACTIONS FOR A FAILURE TO WARN OR WHERE A WARNING IS INADEQUATE OR INCORRECT.

If it is alleged that an agency was negligent in issuing a warning, the court must determine if an agency took **reasonable care** in carrying out its warning role

When assessing **reasonable care** the court considers all warnings issued

In assessing reasonable care, the court considers the policy and practice of the agency in issuing warnings: is the policy for specific or general warnings?

If you have previously doorknocked but have changed the policy – let your community know

The court considers resource capacity and limitations

Remember there are escalation pathways to give greater capacity

Reasonable care can mean ensuring the meaning of symbols accurately reflect the risk of harm

This provides a legal rationale for testing warnings before use

Reasonable care can mean ensuring the message is not ambiguous and open for misinterpretation

HOW DOES THIS RESEARCH ASSIST EMERGENCY SERVICE AGENCIES?

1. **THE LEGAL KNOWLEDGE GENERATED WILL BE USED TO UNDERPIN PROTOCOLS AND DOCTRINE FOR COMMUNICATION AND WARNING**
2. **A CONCRETE UNDERSTANDING OF THE JUDICIAL PROCESS AND THE REALITY THAT AN ACTION IN NEGLIGENCE COULD ARISE CAN ALLEVIATE CONCERNS AND REMOVE A BARRIER TO ACTION**

