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MEDICO-LEGAL SOCIETY OF NSW INC.

SCIENTIFIC MEETING

WEDNESDAY, 11 MARCH 2015 AT 6.15 P.M.

THE TOPIC:

SOCIAL MEDIA

SPEAKERS: DR BENJAMIN VENESS  
MR MICHAEL SWAN

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## QUESTION TIME

If you have any questions, please ask either myself or Dr Veness.

**QUESTION:** I have a question for Dr Veness. I was interested in your definition of social media, which seemed, and this may give away my age, to include things like interactive webpages and possibly even programs like Outlook, from which one sends emails. Most of what we have been told today could apply to an interactive webpage. I am just wondering about the distinction between that and social media.

**DR VENESS:** Thank you for the question. I am not sure there is a huge distinction other than perhaps to your example of Outlook. A Twitter page, in a sense, is exactly that type of interactive webpage that you speak of. It is just built in with a whole other layer of functionality that enables things like notifications that you have been tagged in a particular post and there is sharing among people who have already elected to follow things that you post.

As to your attempt to make an analogy to Outlook, I think while they both utilise the resources of the internet, there is usually a private communication element limited by the number of recipients in any type of Outlook exchange, although of course, anything on email can easily be shared. I remember getting advice from someone towards the end of her career, but very pertinent I think still today, saying that if ever you need to put something in writing that is sensitive, the only way is to send it by fax. Then you make sure you call the other person and have them standing at the other end of the fax machine to receive it. All other forms of instant communication are liable to being screen-shotted, posted and shared in ways that you may not have intended. I have heard of plenty of stories of people accidentally CCing the entire office. A friend who works at a law firm in Sydney and told me about a young colleague in the WA office who accidentally sent the entire firm some narky email about "who keeps moving her chair into the meeting room" and a partner in Sydney replied, "Don't worry, I'm sure if it shows up on the east coast we'll be the first to let you know."

**QUESTION:** Can I ask about not posting testimonials but LinkedIn is full of testimonials. What do you do about

that?

**MR MICHAEL SWAN:** I probably will not do anything about it. However it is quite interesting because it is "out there". It probably would only come to the attention of the authorities if there was some sort of complaint or someone was concerned enough to inform the authorities. It is a real issue because a lot of people say but so and so down the road is doing it, why cannot I do it on my website? It is a real concern, because you know this particular person already has five complaints against them and you know that if it comes to the attention of the authorities that it will be another count against them and another nail in the coffin.

**QUESTION:** It seems it is not really adequately policed.

**MR MICHAEL SWAN:** It is a bit too large to adequately police.

**QUESTION:** Will it ever be?

**MR MICHAEL SWAN:** That will be my talk next year.

**QUESTION:** Just to switch the emphasis a little bit. I have looked, while you have been talking, at the MyCare website, which is in the UK, which was rating hospitals, businesses and so on quite deliberately, and having patients and doctors put themselves up if they want to. In a sense that starts to become good or bad ratings. If I understand what you have been saying, that would be not permitted in Australia because it would breach that formal testimonial, which is very surprising.

**MR MICHAEL SWAN:** Well, is it your site though? It depends how much control you have over it. If you have no control over it ...

**QUESTION:** Then it does not matter?

**MR MICHAEL SWAN:** No.

**QUESTION:** As a forensic psychiatrist there are many people that I do not want to have contact with. I do not want ex-inmates, once they have come out of prison, to find me and I do not want plaintiffs to see me other than at the assessment time which has been booked or in court. I want to stay under the radar. Therefore I have avoided social media like the plague and I think a number of my colleagues feel the same way. What are your thoughts

about whether that is going too far in the other direction?

**MR MICHAEL SWAN:** I think that is a really good idea. I understand those anxieties that you might have about that and I am with you in that sense. I know some people that might have an account under a pseudonym or a different name, but really, it depends on how badly you want to be involved.

**QUESTION:** Plaintiffs sometimes find you via your email address through the university. People will go to great lengths to find you.

**MR MICHAEL SWAN:** Yes.

**DR MICHAEL DIAMOND:** Can I just interrupt. We are running so late that we might end up having our dinner withdrawn, which we would not want. I have to stop questions because of the time factor and I apologise for that. Hopefully those of you who are at dinner might want to continue the conversation beforehand. However at this point I would say that this must be just the first of a number of talks that will touch on this subject over time. Clearly this is a work in progress. Clearly we are coming to grips with something that is going to be a more and more part of the lives of all of us and so it is not something that has answers. It really is participating in a major transformation process.

I would like you to thank our speakers, who have really done a wonderful job.

MEETING CONCLUDED