

COMMISSION OF INQUIRY NO. 1 OF 2005
MEDICAL BOARD OF QUEENSLAND

Affidavit of:

Name: Dr Lloyd Arthur Toft

Address: Watkins Medical Centre, Level 6 225 Wickham Terrace, Brisbane
Queensland

Former President and Chairperson of the Medical Board of Queensland

Telephone No.: (W):

Availability Available as required by the Commissioner

States on oath:

1. This Affidavit is made without prior knowledge of any evidence or information held by the Inquiry which is potentially adverse to the Board or its members, past and present, the Executive Officer of Office of Health Practitioner Registration Boards ("OHPRB") or its employees or former employees and in the expectation that any of the aforementioned will be afforded procedural fairness upon timely receipt of any notice of adverse allegation, or notification of evidence or information requiring the response of any of the aforementioned. This Affidavit is made having perused some of the transcripts to date of the Commission of Inquiry and paragraph 19 of the Statement of Dr Denis Lennox.
2. My full name is LLOYD ARTHUR TOFT and I was President of the Medical Board of Queensland ("the Board") for approximately seven years from 1 March 1997 until approximately 30 November 2004. With the commencement of the *Medical Practitioners Registration Act 2001* on 1 March 2002 the position of President of the Board became known as Chairperson of the Board.
3. I am an Orthopaedic Surgeon and a Fellow of the Royal College of Surgeons of Edinburgh and the Royal Australasian College of Surgeons. I was a Clinical Associate Professor of the

Signed.....

Deponent

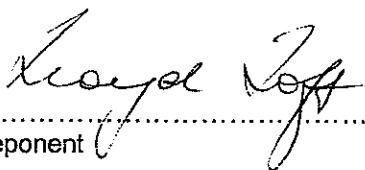
Taken By.....

Solicitor / Justice of the Peace

School of Medicine at the University of Queensland from 1997 until 2004. I was a member of the Australian Health Ministers Advisory Council Working Party on a nationally consistent approach to Medical Registration from 2001 until 30 November 2004 and the inaugural Chair of the International Association of Medical Regulatory Authorities between 2002-2004. I was President of the Australian Medical Council from 2000-2003. I held positions as a Senior Visiting Orthopaedic Surgeon of the Royal Children's Hospital and Surgeon at the Royal Brisbane Hospital from 1974 until 2002. Annexed hereto and marked "LAT-1" is a true copy of my curriculum vitae.

4. I do not have access to the files and records of the Board or the OHPRB. I am authorised to make this statement in relation to my former position as President and Chairperson of the Board.
5. While I was President and Chairperson of the Board the Board considered various issues relating to overseas trained doctors on an ongoing basis. These issues included the introduction of an English language test and an appropriate examination for overseas trained doctors.
6. I have only some recollection of a meeting with Dr Denis Lennox at which a proposal for integrated management of overseas-trained doctors (OTDs) was discussed. I believe I may have discussed these issues with Dr Lennox on two occasions. I have perused my personal diary for 2003 and found that I noted a meeting with Queensland Health on 11 August 2003.
7. On conducting a search of my personal papers in my Rooms at Wickham Terrace I discovered a draft copy of the report dated July 2003. I do not recollect the circumstances in which this report was provided to me, but I believe I must have been provided with a copy of the draft report by Dr Lennox. This must be a personal copy of the draft report as I would not have taken any Board material to my Rooms.
8. I remember that I attended a meeting with Dr Lennox with Michael Demy-Geroe, Deputy Registrar of the Medical Board of Queensland, but cannot recollect whether anyone else was present.

Signed.....
Deponent



Taken By.....
Solicitor / Justice of the Peace



9. It is not my practice to take notes at informal meetings. My meeting with Dr Lennox was confidential in the sense that it involved a discussion on the appropriateness of Dr Lennox's report. I have no written notes of any meeting with Dr Lennox in mid-2003.
10. I believe Dr Lennox probably wanted to obtain informal opinions on the draft report from representatives of the Board, and possibly other relevant organisations. This was because the assistance of the Board would have been relevant to the implementation of some of the proposals and there would have been little point proceeding without some indication of how the Board may have been likely to view the proposals.
11. I recall that my view towards the proposals in the draft report was, in general, a positive one. I thought that the ideas advanced in the draft report were good ideas and that the proposal was good in theory. However, I also believed the implementation of the proposal would be a major undertaking. Implementation of the proposal would have required the work, cooperation and goodwill of a number of bodies.
12. I also recognised certain problems with the proposed assessment process. For example, doctors would have been non-productive while they were assessed. This leads to issues such as the costs of the process and the undesirability of having practitioners not being productive for the employer while they are assessed. I do not recollect whether I specifically raised this concern with Dr Lennox but issues such as this would have been canvassed in discussions.
13. If the proposals in the draft report were implemented, the Board would have needed additional legislative powers to require the same international medical graduate management process for the private sector as Queensland Health required for the public sector. The Board would have also required the power to charge an appropriate fee for the work, as the registrants should not have had to bear the cost through their Annual Registration Fee.
14. I remember the draft report as still being in draft form and stamped that it was a draft. I believe Dr Lennox mentioned he would work on the report further before it became an official document.

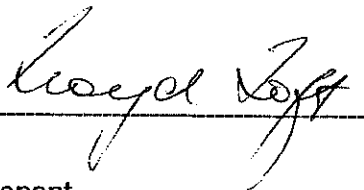
Signed.....
Deponent

Taken By.....
Solicitor / Justice of the Peace

15. I have recently been shown a copy of a letter on Queensland Health letterhead dated 8 September 2003, addressed to me and signed by Dr Steve Buckland which encloses a version of the draft report. I do not recollect ever receiving a copy of this letter.
16. I believe that the letter dated 8 September 2003 and the draft report were never received as it certainly would have gone to the Board for consideration had it been received. It was not my practice to make executive decisions on issues like this proposal. If I had received a letter such as the one dated 8 September 2003 I would have first ensured it came to the attention of the Executive Officer of the OHPRB, the letter would have been acknowledged by the Executive Officer and it then would have been referred to the Board for consideration at the next meeting. I have no recollection of this letter ever being considered by the Board.
17. As far as I am aware the Board never received or considered the draft report. In about September 2003 the draft report was made public in the media. I never discovered what happened to the draft report after it had been reported in the media.

Affidavit sworn on 12th day of August.

2005



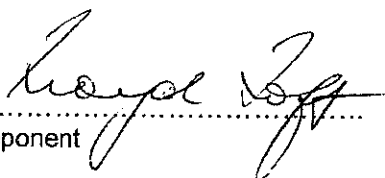
Deponent



Solicitor/ Justice of the Peace

Signed.....

Deponent



Taken By.....

Solicitor / Justice of the Peace



COMMISSION OF INQUIRY NO. 1 OF 2005
MEDICAL BOARD OF QUEENSLAND

This is the annexure marked "LAT-1" mentioned and referred to in the Statement of **DR LLOYD ARTHUR TOFT** dated this 12th day of August 2005.

CURRICULUM VITAE

NAME Lloyd Arthur Toft

DATE OF BIRTH

ADDRESS Watkins Medical Centre

TELEPHONE

FACSIMILE

EMAIL

QUALIFICATIONS

1961 MBBS University of Queensland
1967 Fellow Royal College of Surgeons of Edinburgh
1971 Fellow Royal Australasian College of Surgeons

OTHER FELLOWSHIPS

1975 Australian Orthopaedic Association
1980 Australian College of Rehabilitation
Medicine (Foundation Fellow)
1989 Australian Medical Association

AWARDS

1995 Queensland Cerebral Palsy League
Medal for Distinguished Service

ACADEMIC APPOINTMENTS

- 2005 Chair, Professional Behaviour Committee,
School of Medicine, Griffith University
- 1997 International Associate Editor
Bulletin – Hospital for Joint Diseases
New York. U.S.A.
- 1997 – 2004 Clinical Assoc Professor, School of Medicine
University of Queensland

CLINICAL APPOINTMENTS

Royal Children's Hospital – Brisbane

1974 - 2002 Senior Visiting Orthopaedic Surgeon

Royal Brisbane Hospital

1974 – 2002 Senior Visiting Orthopaedic Surgeon

Xavier Hospital for Children

1979 – 1992 Visiting Orthopaedic Surgeon

Cerebral Palsy League

1985 – 2002 Visiting Orthopaedic Surgeon

Australian Defence Force

1985 – 2000 Orthopaedic Consultant – The Surgeon General

1984 – 2000 Orthopaedic Consultant - Director General Naval
Health Services

CURRENT STATUTORY APPOINTMENTS

- 2001 - Chairperson - Orthopaedic Assessment Tribunals
Q Comp
(Re-appointed - July 2004)
- 1987 - Member - Orthopaedic Assessment Tribunals
Q-Comp

PREVIOUS STATUTORY APPOINTMENTS

- 1997 - 2004 President/Chairperson Medical Board of Queensland
- 1989 - 2004 Member Medical Board of Queensland
- 1985 - 1991 Member - Privacy Committee, Department of Justice, Queensland
- 1983 - 1985 Member - Medical Services Committee of Enquiry (Commonwealth Department of Health)

PREVIOUS APPOINTMENTS

Australian Medical Council

- 2000 - 2003 President
- 1999 - 2000 Deputy President
- 2003 - 2004 Immediate Past President
- 1997 - 2004 Member of Council
- 1997 - 2004 Uniformity Committee/Joint Medical Boards Advisory Committee
- 1997 - 2004 Executive Committee
- 1997 - 2000 Medical Schools Accreditation Committee
- 2000 - 2001 Working Party on Transfer of NSQAC Functions
- 1998 - 1999 Member - C.P.M.C. / A.M.C. Working Party on Registration of Overseas Trained Specialists

Australian Health Ministers Advisory Council

- 2001 - 2004 Member – AHMAC Working Party on a nationally consistent approach to Medical Registration

Australian Medical Workforce Advisory Committee

- 1998 - 2004 Member - (AMC Nominee)

1999 - 2000 Chair - General Practice Workforce Working Party

International Association of Medical Regulatory Authorities

2002 - 2004 Chair (Inaugural)

2001 - 2002 Australian Nominee, Interim Governing Committee

2001 - 2002 Member - Working Group on International Exchange of Information on Physicians

2002 - 2004 Chair - Management Committee

Ex Officio Member of Working Groups

- International Exchange of Information on Physicians
- Medical Passports
- Constitution and By-Laws
- 6th International Conference on Medical Regulation

2005 - Member - Finance and Development Committee

Australian Medical Association

1985 - 1986 President - Queensland Branch

1978 - 1989 Member - Queensland Branch Council
Chair and/or Member:-
Ethics, Medico-legal, Liaison, Fees, Branch Restructuring Committees

1980 - 1982 Chairman - AMA Commonwealth Games Medical Committee

1985 - 1989 Member - Federal Council

1986 - 1989 Member - Federal Council Standing Committees on Quality Assurance and Medical Education

Royal Australasian College of Surgeons

1992 - 1998 Member - State Committee

1973 - 1980 Chairman - State Road Trauma Committee

Medico-legal Society of Queensland

1984 - 1986 President
2002 Life Member

Brisbane North Regional Health Authority

1994 - 1995 Chairman - Division of Surgery
Children's Health Sector
1997 - 2002 Chairman - Orthopaedic Department
Royal Brisbane Hospital

COMMUNITY POSITIONS

1990 - Director - Board of Management Queensland Society
for Crippled Children – Montrose Access
2002 - 2nd Vice President - Queensland Society for Crippled
Children – Montrose Access
1994 - 1995 Chairman, Brisbane Girls Grammar School, Parents and
Friends Association

COMMONWEALTH GAMES FEDERATION

1982 Member, Commonwealth Games Commission
1980 – 1982 Chair, AMA Commonwealth Games Medical Committee

CURRENT MEMBERSHIPS

Medico Legal Special Interest Group - R A C S
Queensland Society for Crippled Children
Haemophilia Foundation (Qld)

ARMED SERVICES

Royal Australian Naval Reserve
1963 – 1986 Surgeon Commander (Retired)

RESEARCH, INCLUDING PUBLICATION LIST

Published Papers:

J L Hicks, W J Ribbans, B Bussard, S S Kelley, L Toft, G Torri, J D Wiedel & J York. Infected Joint Replacements in HIV Positive Patients with Haemophilia. J Bone Joint Surgery (Br) 2001;83-B:1050-54

Arthroscopic Synovectomy for Recurrent Haemarthroses of the Knee, Musculo Skeletal Problems in Haemophilia, International Meeting, New York, March 1989.

Papers Presented by Invitation include:

Injuries from Shark Bites and their treatments, RACS Seminar, " Accident Prevention and Community First Aid", Sydney, April 1975.

Injuries to the Upper Extremity from Motor Cycle Accidents, RACS 50th General Scientific Meeting, May 1977.

Examination of the Injured Patient, Lecture Helicopter Rescue Crews, Brisbane, April 1978.

Acromioclavicular Joint Injuries – a review of 99 cases Royal Brisbane Hospital 1973 – 1974, AOA Continuing Education Meeting, Melbourne, November 1979.

Joint Replacements for Hip, Knee Shoulder and Ankle, APA Continuing Education Course, Brisbane 1979.

Conservative and Surgical Approach to acromioclavicular Joint Injuries, Symposium on Sporting Injuries, Royal Brisbane Hospital, May 1978.

Femoral Shortening Operation for Chronic Hip Dislocation, Royal Children's Hospital, Brisbane, Centenary Academic week, August 1978.

Guest Lecturer RACGP Post Graduate Weekend, April 1980.

Soft Tissue Conditions in Orthopaedics, Division of Child Health, Medical Officers In-service Training, May 1983.

The Lower Limbs in Spina Bifida and their Influence on the Spine, APA Continuing Education (Paediatric Section), April 1984.

The Lower Limbs in Spina Bifida, Spina Bifida Update Program, Royal Children's Hospital, Post Graduate Medical Education, May 1990.

Orthopaedic Problems in Cerebral Palsy and their Management, Update on Diagnosis and Services for Children with Cerebral Palsy, Spastic Welfare League, July 1990.

Orthopaedic Conditions of the Lower Limbs, Posture Scoliosis and Kyphosis, Division of Child Health, Physiotherapist In-service Training Program, August 1990.

The Place of Orthopaedic Surgery in Overall Management of Children with a Disability, Workshop on Orthopaedic Management of Students in Special Schools and Special Education Units, Therapy Services, Education Department, December 1991.

Current Management of the Lower Limbs in Myelomeningocele, Orthopaedic Nursing Spinal Conference, Brisbane, March 1991.

The Evolution of Standards – The Role of the Medical Board and the Australian Medical Association, Milestones in Medicine, Scientific Symposium to Commemorate 100 years of the MBA-AMA in Queensland, May 1994.

Common Orthopaedic Problems, Douglas Pharmaceutical, Paediatric Symposium, Brisbane, August 1994.

Arthroscopic Synovectomy for Haemophilic Arthropathy: Arthritis in Haemophilia Surgical Intervention – When and Why? National Haemophilia Conference, Gold Coast Qld, October 1995.

Prescription and Use of Orthotics in Paediatrics, International Society for Prosthetics and Orthotics, Annual Scientific Meeting, September 1996.

Continuum of Medical Education: The Changing Role of the Australian Medical Council: 8th National Forum Prevocational Medical Education, Gold Coast Qld, November 2003.

CONFERENCES AND COURSES ATTENDED

Include:-

- Quantitative Gait Analysis Course
Melbourne 26 – 28 May 2000
- American Medical Association, Guides to the Evaluation of
Permanent Impairment and Disability Review Course (4th & 5th
Editions)
Sydney 6 – 7 March 2001
- Q Comp Tribunal Case Studies in Permanent Impairment
8th November 2001, 22nd February 2003, 7th August 2004
- International Conferences on Medical Regulation 1996, 2000, 2002
and 2004
- Federation State Medical Boards of U.S.A Annual Meetings 1996,
1998, 2000 and 2002.
- Federation Medical Licensing Authorities of Canada Annual
Meetings 1999, 2002 and 2003.
- 5th International Medical Workforce Conference, Sydney 2000.