This is the unedited version of a profile which appeared in *Australian Doctor* in 2002. The published version may have had minor changes.

Profile: Fiona Tito

CV in Brief
Fiona Tito BA (Hons) LLB

1996- Running her own consultancy, Enduring Solutions, specialising in health, compensation, disability and the community sector
1991-95: Chair, The Review of Professional Indemnity Arrangements for Health Care Professionals
1982-91: Worked for NSW Law Reform Commission, and then various policy positions with Commonwealth, State and Territory Governments

LIVING LARGE

Some years ago, a chemist who worked for a soap manufacturer found himself sharing an aeroplane trip with a woman who was unusually curious about his work. She boiled up animal fat to make her own soap, and wanted to know why it was so different to commercial products.

She presumed that her soap left the skin and hair wonderfully soft because it contained glycerine. Why, then, did commercial manufacturers remove glycerine from their soap?

He replied, with a wry smile, that they could sell the glycerine for use in moisturisers and other cosmetic products, for a higher price than people would pay for soap containing glycerine. As well, soap dissolves quicker if the glycerine is removed which, he added, was also good for business.

His neighbour began to look at her soap-making in a new light; no longer was it simply something to pursue because she hated to waste any part of the animals killed on her farm. In her mind it became a political act of "economic sedition", which reduced consumption.

Fiona Tito doesn't live on a farm any more. But she still makes her own soap. And bakes bread (by hand, not machine), and likes to stay up late bottling fruit and making preserves. And yes, she's also a lawyer whose grasp of the issues surrounding medical indemnity is hard to beat, and

who had a central role in the birth of the quality and safety movement in Australian health care.

She also writes poetry, is a keen musician, supports sustainable energy technologies, is active in the consumer health movement and Cochrane Collaboration, has a passion for patchwork, and provides advice to governments and many health groups. Until recently, she was an executive member of the Australian Council of Social Services.

One thing she does not do is watch telly - the set was dismantled after a visit to an Amish community in the US prompted her to reassess how her family lived.

You don't have to spend long with Tito, 46, to realise it is pointless to try to separate the personal from the professional. This is particularly obvious when you are sitting in the office downstairs in her Canberra home, where her personal life and work - both paid and voluntary - merge in a stream of controlled chaos.

This is the headquarters of Tito's consultancy Enduring Solutions, whose mission is "to change the world through being a profitable business which provides services with integrity, excellence, enthusiasm and imagination in its chosen fields and which puts into practice its core values".

Part way through our interview, a neighbour drops in to say hello. She is also Tito's part-time book keeper. The neighbour on the other side helps run the office a few days a week, reflecting Tito's wish to foster local employment and flexible working conditions.

Living Large is the name of a group which Tito helped establish to support other big women in becoming more physically active. It is also a pretty apt description of her approach to life. Tito has a loud (and frequent) laugh, a broad range of interests and enthusiasms, and an impressive brain - "one of the most intelligent people I've ever met," says Marcia Neave, the chair of the Victorian Law Reform Commission, who was once Tito's boss at the NSW Law Reform Commission.

Tito is also unusually open, someone whose heart is very much on her sleeve. In conversation she is just as likely to tell a wicked joke or reveal intimate details of her life as to discuss the complexities of health policy.

“I’ve never known anyone else who would discuss their sex life quite as much as Fiona,” says one friend.

But only in recent years has Tito begun to speak publicly about her long battle with bulimia, “a coping strategy for being fat in a world that didn’t accept fat people”.

When asked to address an anaesthetists conference last year about professional indemnity, Tito decided to speak as a consumer rather than an expert. Her opening line was: “You probably haven’t noticed it, but I’m a fat woman”.

She told the audience how she had conquered bulimia when she realised how much it involved self hatred, and learnt instead to like her body the way it was. She also realised that doctors’ continuing insistence that she lose weight was counterproductive because it encouraged unhealthy eating patterns.

“I talked about how challenging it was often for a doctor to have the health problems of the person in front of them defined by the person rather than them, and that this was a difficult but an important part of creating real partnership.”

During lunch, a doctor came up for a chat and mentioned that he wouldn’t call her fat, that morbidly obese would be a better description. And that he could help with a procedure to put an elastic band around her stomach “because people like you can’t help yourselves”.

Tito put her hands on her hips and replied loudly: “‘You’ve been standing here for 20 minutes, I thought you were trying to chat me up. Instead you were just trying to sell me one of your medical products.” And then went into the toilets and screamed in anger and frustration.

As well as missing the point of her talk, the doctor probably had little inkling of how difficult it is for Tito to bare her soul so publicly. But she has made a conscious decision to do so, she says, to help others to find their voice.

Tito’s public voice first began to emerge during The Review of Professional Indemnity Arrangements for Health Care Professionals, which she chaired for the Commonwealth from 1991 to 1995. It was a

huge task, negotiating the often competing interests of health professionals, government, the public and medical defence organisations.

Tito had previously worked mainly in workers compensation, disability and social security policy, and was surprised it was so difficult to find data about the frequency of adverse events in health care. This led her to commission The Quality in Australian Health Care Study, whose findings have since had a major impact, internationally as well as locally.

Tito and the review came under sustained attack from the AMA and sections of the medical profession, who disputed her view there was no crisis in medical litigation. She argued that only a small proportion of people injured by health care ever sought or won compensation, and that the real crisis was the financial state of medical defence organisations and their irresponsible financial management.

The review's blunt language didn't always win friends. Under the heading, "Myth and Misinformation: down the garden path and back", Tito wrote that "professional indemnity, negligence in health care and adverse patient outcomes are areas replete with myths and assertions and little incontrovertible data useful to the various decision makers."

The review was completed at a time of widespread anger in the medical profession over Minister Carmen Lawrence's release of preliminary findings of the Quality in Australian Health Care Study.

Behind the scenes, Tito was also coming under pressure from senior Health Department managers who, she says, had decided her review belonged in the "too hard" basket. She says she lost Departmental support after her mentor, Brian Howe, left the health ministry.

In the last months of the review, Tito says most of her staff were withdrawn, she came under pressure to leave the Department, and her office was packed up around her. Rather than abandon the Review, she wrote its final chapters from home. At one stage, she doubted whether the report would be published and ignored orders to keep quiet about it.

"My boss said they were concerned about me because I lacked sufficient moral flexibility to be a good senior bureaucrat," Tito says. She laughs: "It's probably true, I do."

Many observers outside the Department concur with Tito's version of events. Peter Arnold, who was then active in the AMA and a critic of aspects of the report says: "I felt sorry for her in a way because she was given an enormous task and it wasn't adequately resourced."

However, some departmental insiders put it differently. One says Tito lost support because the review had dragged on without sufficient focus and had tried "to solve all of the problems of quality of care in the Australian health system rather than just professional indemnity". Another says Tito may have encountered difficulties because she "was not your normal public servant" and wore her politics on her sleeve.

Even admirers note that Tito can rub people up the wrong way. "Fiona is not an easy woman to control; she can at times aggravate people just by being there," says one.

Meredith Edwards, deputy vice chancellor at the University of Canberra and a former senior public servant, says she can see why Tito ran into problems: "She's an amazing woman but one of those people who probably wouldn't make it in the public service because she is such a creative ideas person. For better or worse, probably for good reasons, the public service breeds and encourages good policy analysts who can be more neutral than strong passionate advocates for a position."

Brian Howe, who worked with Tito in each of his ministries and now works at the Centre for Public Policy at Melbourne University, says he admires her as a "policy guru". He adds: "The bureaucracy in Canberra is not easy on people who have original ideas. She's someone whose sheer intelligence is threatening to people."

Not long Tito finished her report, there was a change of Government and the new Minister, Michael Wooldridge, was not particularly interested in the Review and its broad-ranging 168 recommendations.

More than five years after its release, however, many see it as a landmark. Paul Nisselle, chief executive of the Medical Indemnity Protection Society, says it was a tragedy that the "excellent" report effectively disappeared without a trace, and that Tito deserves a leading role in the forthcoming national summit "because she has an expertise and a knowledge in this area that's unparalleled".

Bruce Barraclough, chair of the Australian Council for Safety and Quality in Health Care, believes the review was ahead of its time and that Tito has never received the kudos she deserved.

“I don’t think the medical community or the political groups involved at the time could see far enough ahead to realise that Fiona was trying to provide answers to a problem that was bigger than we all realised at that time,” he says.

“The medical litigation crisis that we’re facing now would be a lot different if a number of the recommendations that she’d made earlier in the piece had been taken more seriously. Some of the things she was doing, some of the attitudes expressed in the report were regarded by some senior clinicians as being anti-doctor. But I don’t think they were in the least, they were sensible.”

Penny Gregory, the chief executive of the ACT Department of Health and Community Care, chairs the Australian Health Ministers Advisory Council working group on medical indemnity. She says it is surprising how often Tito manages to refrain from saying “I told you so” at meetings.

“With hindsight, the review drew out some very real issues which we are now in a position to act on,” says Gregory. “I think that’s why she remains so committed to this work. She has invested such a lot in it that she doesn’t want there to be no outcome.”

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The stressful years of the review were followed by an annus horribilus for Tito. Her second husband moved out, leaving her to support their children Anna and Patrick, and soon after Tito learnt that her father was dying of cancer.

She moved back to the house at Panania in western Sydney where she had grown up, to help her mother nurse him.

George Smyth wasn’t an easy man. An electrician and ardent unionist who showed the marks of his own tough upbringing, he was a strict father who always exhorted his children to do their best. His daughter

worked hard at school, and was also busy with Guides, Scouts and learning several instruments. As she grew older, she began to realise how much of her striving to be clever, likeable and funny was related to her father.

“I spent my whole life thinking I was not quite good enough for my dad because he had a lot of trouble showing love,” says Tito.

Her teachers encouraged her to study medicine, but her parents felt this was “not a very good career for a girl who was going to get married and have children”. Fiona Smyth became engaged to her first sweetheart when she was 18. The marriage didn’t last.

Eventually she decided to study law after a teacher suggested it would suit her because “you’d argue the back leg off a chair.”

Going back to help her father die at home was painful in many ways, and also reinforced her view that more can be done to make health system work in consumers’ interests.

“I learnt how disempowered you can feel in that situation even when you’ve got a lot of knowledge,” she says. “For me it was an amazing experience and a sad one but it has infiltrated a lot of my work since then.”

Knowing what a difficult time Tito had been through with her father’s death, friends were stunned when she then stood as a Greens candidate in the ACT elections. She was unsuccessful, perhaps fortunately, given her realisation that she wasn’t very good at the meet and greet of politics, or defending policies she didn’t believe in.

Meanwhile, back in her home office, Tito has been talking non stop for two hours, and her partner, Clyde Wheatland, yells from upstairs that lunch is ready.

Wheatland, a former naval officer now working with the Naval reserve, says one of the attractive things about Tito is that she retains a small child’s enthusiasm for discovery. He also appreciates her broad interests. “She’s one of the very few women I know with an interest in technical things. Because I’m an engineer, I was quite attracted to that.”

Behind the lunch table is a cabinet with memorabilia from Tito's family history collection, including tiny shoes last worn 100 years ago, and a Turkish waterbottle that Uncle Arthur brought home from Gallipolli.

Before we eat, grace is said. Tito ended a 20 year break from religion after her father's death, and now she and Wheatland are active in a local Uniting Church.

Gereldine Leonard, who was Tito's Minister until recently, describes her as someone who "is clever and courageous and principled and in the past she has been known to pursue her objectives with a strength and a vigour that some have probably found a little overwhelming and she can be just the opposite".

She adds that Wheatland has been an anchor in "a life that has tended to go at a million miles an hour in a dozen directions all at once".

"Over the past few years there has been a softening and a deepening in Fiona, growing in part out of her spiritual and personal explorations," says Leonard. "Anyone watching could see that this has probably involved as much pain as it has joy, but Fiona is a different person."

Some things haven't changed though. Tito remains an irrepressible force. She ended the last of several emails about this story with: just remember, if the world didn't suck, we'd all fall off!