


# Bundaberg Hospital Commission of Inquiry

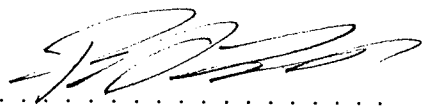
## STATEMENT OF KENNETH DOUGLAS WHELAN

I, Kenneth Douglas Whelan, District Manager, of an address known to the Commission make oath and state:

1. I have previously provided statements to the Commission. Those statements are dated 14 July 2005 and 29 July 2005.
2. Since providing my previous statement dated 29 July 2005 I have become aware of, and have had the opportunity to, read emails which form part of the Queensland Health Audit and Operational Review Branch investigation file in relation to the alleged impersonation of a doctor by Mr Vincent Victor Berg.
3. Previously I was unaware that the Audit and Operational Review Branch had conducted an investigation in relation to this matter.
4. It would appear that on 9 December 2002 I sent an email to Michael Schafer, Director, Audit and Operational Review Branch requesting his advice in relation to this matter and, in particular, as to whether or not it was a matter for Queensland Health, Queensland Police or the Medical Board of Queensland to follow up. Annexed and marked "KDW-1" is a copy of that email.
5. It would appear that on 10 December 2002 I received an email from Max Wise, Manager Investigations, Audit and Operational Review Branch advising that he had been handed a copy of my email to Michael Schafer of 9 December 2002. He also advised that the impersonation of a doctor was a criminal offence and constituted suspected official misconduct and that the matter should be reported to Audit Branch. He also advised that Audit Branch had a Queensland Police Detective who the matter would be

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Signed:   
Deponent

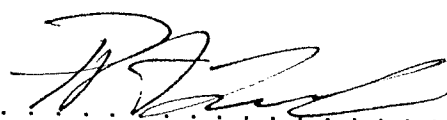
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Commissioner for Declarations~~

6. allocated to and that he would make the necessary enquiries with the Medical Board of Queensland. Annexed and marked "KDW-2" is a copy of that email.
7. It would appear that on 11 December 2002 I replied to the email from Max Wise of 10 December 2002 advising him that my recollection of the events in relation to Mr Berg were a bit sketchy and that he should contact Dr Andrew Johnson should more detailed information be required. Annexed and marked "KDW-3" is a copy of that email.
8. It should be noted that the above events occurred prior to my email to Mr Reeves as referred to in paragraph 39 of my statement dated 29 July 2005. My email to Mr Reeves of 24 January 2003 was sent in response to concerns raised by Dr Allan and Dr Johnson in relation to their personal safety.

All the facts and circumstances above stated are within my own knowledge and belief, save such as are from information only and my means of knowledge and sources of information appear on the face of this my Statement.

SWORN on 3rd day of August 2005 at Townsville in the presence of:

  
.....  
Deponent

  
.....  
Solicitor/Barrister /Justice of the Peace/  
Commissioner for Declarations

"KDW-1"

52

From: Ken Whelan  
To: Schafer, Michael  
Date: 09/12/2002 7:08:22 pm  
Subject: Potential Criminality

Afternoon Michael

Steve Buckland suggested I contact you about the following:

Back in January 2000 to January 2001 this district employed a NON training registrar in Psychiatry named Victor Berg the story is a long one but the short version is that this chap was apparently a russian who attained refugee status in Australia. He was given provisional registration from the Australian Medical Board and was employed in this district as a psych reg. Apparently when he left here he was even given references from exisiting specialists.

The down side is the district has now found out that apparently this chap is not and never has been a doctor. Dr Andrew Johnson my Med Super found this out accidentally when discussing another case with the college. Apparently this chap is still in Australia but not in Queensland.

I have some clinical staff reviewing all the patients he saw to try and establish the extent of the problem. I guess the good news is because he was a registrar his work was supervised it does raise the question about how a non doctor could work with specialists for a year and not be be sprung.

The question I guess is impersonating a doctor is no doubt a criminal offence but given the person is no longer in Queensland is this a matter for us ? Queensland police ? or the medical Board to follow up. I am led to believe that as a public servant if we suspect criminality we have an obligation to report ?

For obvious reasons we are keeping this strictly confidential at present we need total control of the facts before the media get involved.

Your advice would be appreciated.

Regards

Ken Whelan

District Manager

04

Max Wise - Victor Berg

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From: Max Wise  
To: Ken Whelan  
Date: 10/12/2002 2:02 PM  
Subject: Victor Berg

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Ken

I have been handed your email to Michael Schafer of 9 Dec 2002 in relation to the above.

Impersonation of a doctor is in fact a criminal offence and therefore constitutes "suspected official misconduct" under the Crime and Misconduct Act 2001. This also means that his actions should be reported to Audit Branch under the Department's IRM 3 1-5 (I have attached a copy for your reference).

We have an "in-house" Queensland Police Detective working in Audit, so I will allocate the matter to him. I will also make the necessary inquiries with the Medical Board.

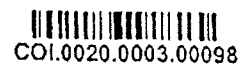
Regards

Max Wise

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Max Wise  
Manager Investigations  
Audit and Operational Review Branch  
Queensland Health

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F: (07) 3234 1528  
E: [max\\_wise@health.qld.gov.au](mailto:max_wise@health.qld.gov.au)



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"KDW-3"

(19)

From: Ken Whelan  
To: Wise, Max  
Date: 11/12/2002 7:28:43 am  
Subject: Re: Victor Berg

Morning Max

Thanks very much for your prompt response and clarification on this matter. I realise my description of the events leading up to the discovery that Mr Berg allegedly is not qualified to practice medicine was a bit sketchy. Should more detailed information be required as I am sure it will be the person to contact at Townsville is Dr Andrew Johnson. Andrew is the Townsville Medical Super and can provide any further information that may be required.

Regards

Ken Whelan

>>> Max Wise 12/10/02 02:02pm >>>  
Ken

I have been handed your email to Michael Schafer of 9 Dec 2002 in relation to the above.

Impersonation of a doctor is in fact a criminal offence and therefore constitutes "suspected official misconduct" under the Crime and Misconduct Act 2001. This also means that his actions should be reported to Audit Branch under the Department's IRM 3.1-5 (I have attached a copy for your reference).

We have an "in-house" Queensland Police Detective working in Audit, so I will allocate the matter to him. I will also make the necessary inquiries with the Medical Board.

Regards

Max Wise

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Max Wise  
Manager Investigations  
Audit and Operational Review Branch  
Queensland Health

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F: (07) 3234 1528  
E: [max\\_wise@health.qld.gov.au](mailto:max_wise@health.qld.gov.au)

4/12/02

clarky you have a file on Victor Berg on the way.  
Max

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