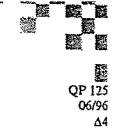




STATEMENT OF WITNESS



Statement No.:		Date:	22/10/2003
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Statement of:

Name of witness:	David Gabriel WATSON	Date of birth:	5/03/1977	Age:	26
Occupation:	Sales				

Police officer taking statement:

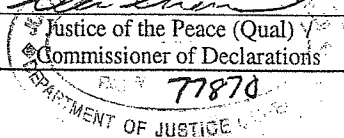
Name of police officer:	K J GEHRINGER	Rank:	DSC	Reg. No.:	10581
Region/ Command/ Division:	Northern	Station:	Townsville CIB		

David Gabriel WATSON states:

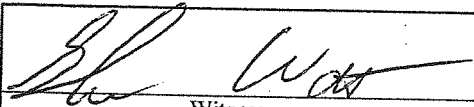
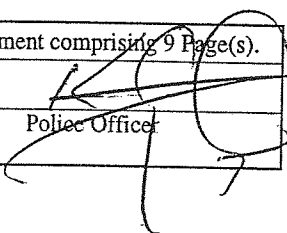
1. I am a male person 26 years of age and reside at 306 Oak Leaf Circle Hoover Alabama 35244 USA. My residential phone number is 2054265633, my mobile phone number is 2059190512. I hold a search and rescue Dive Certificate. To obtain this certificate I undertook training in relation to navigation, the use of lift bags and recovery of persons on the waters surface.
2. At present I am on holidays from the USA. I arrived in Australia with my wife Christina Mae WATSON. We were married on the 11<sup>th</sup> of October 2003 in USA and left for Australia on the 13<sup>th</sup> of October 2003. My wife's passport was still under her madden name, which was Christina Mae THOMAS.
3. Tina and I were staying at the Plaza Hotel in Townsville on the 21<sup>st</sup> of October 2003. We left there at about 6pm to head to the quarterdeck to eat dinner. After we ate dinner we left the table at about 7:45pm, I can't remember what Tina ate, we both had a Coca Cola during dinner. We did not have any alcohol at dinner. At this time we still had not found the Mike Ball people and we walked over to the other side of the room where we found them.
4. Not to long after that we went and got on the boat, which is called the Spoil Sport. We then went up to the lounge area to fill out some paper work.

This is Page 1 of a Statement comprising 9 Page(s).

Witness	Police Officer



5. One form was for 30 days of DAN Diving Insurance. This form requests your personal details name etc, you highest diving certification, I think it had a section for health where you ticked a yes or no box. I saw Tina fill that form out and I filled one out for myself.
6. The other one was a copy of the form off the Internet, which we had filled out in the USA and sent to Australia when we first signed up for the trip. This form had the same general personal questions, what your highset certification was, how many dives you've done and how many you have done in the last 12 months. I think it had something like if you had done any speciality dives. I saw Tina fill that form out and I filled one out for myself.
7. We did that and then we went down to the room to make sure that all our luggage was there.
8. Then we went out onto the diving deck to set up our gear. We both brought our own diving equipment. I don't remember the brand of Tina's. Tina was certified in the Spring I don't know what month. I was with Tina when she initially bought all of her diving equipment in the USA, which was when she got past the pool stage of her training.
9. We carried our dive bags out onto the deck. There was a section underneath the bench where we put our gloves, boots, fins and snorkel mask. At this time we also gave our dive suits to the crew who hung them up along the side of the dive deck. The tanks were provided by the dive company and were located in stands and were upright behind the benches.
10. We put our buoyancy compensator device (BC's) on our tanks and also hooked our regulators up to the tank. After we hooked them up we turned the air on and made sure it was flowing and then cut it back off. I stuck Tina's BC on her tank as it takes some effort to get it snug up to the tank. I think she hooked her regulator up. I checked my inflator by pushing the button and observed it inflate. I did not see if Tina checked her inflator. I think we each did our own check with the air.

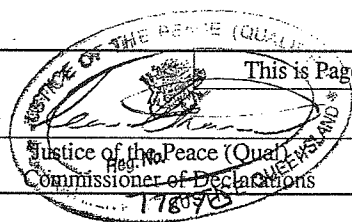
Witness Justice of the Peace (Qual) / Commissioner of Declarations Police Officer

THE PEACE OFFICER REGISTRY  
 Reg. No. 77875  
 DEPARTMENT OF JUSTICE

This is Page 2 of a Statement comprising 9 Page(s).

11. Tina has an analogue instrument, which attaches to the first stage, which connects directly to the tank. After Tina had turned it on I saw her look at it for a time. I did not actually look at her instrument.
12. Some time after that I don't know what time we went upstairs for the crew to introduce themselves. We had two glasses on champagne each. Then everybody sat on the couch and Wade introduced everybody.
13. Wade went over the general rules and the captain also spoke about safety issues. The captain went over life jackets, where there at on the boat, where the life rafts were, what to do if the boat sank.
14. Wade then spoke about diving related issues like if they need everyone to get back to the boat what they were going to do. He said that they would take one of the big dive weights and basically bang it against the side of the boat. When you hear it come up to the surface and look for the boat and look for signals. He said it may be because they have to move the boat or something might be in the water. The hand signals like the okay signal, the 'I'm in trouble signal', another one that if you were to far away and you need a little boat to come over to you. He then had a questions and answer session, like if anybody had any questions about whatever. I don't recall myself or Tina asking any questions.
15. After the introductions he told us what we all were going to be doing, we hung around up there till about 10pm.
16. At some time we walked up top on the sun deck to look at a big boat that had come in while our boat refuelled.
17. Then we went back down into the lounge area and we weren't there very long. I know it was after 10pm but before 11pm. We headed down to the room and got ready for bed.

*[Handwritten Signature]*  
Witness


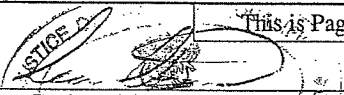
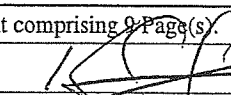


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*[Handwritten Signature]*  
Police Officer

About 7am we went upstairs where everybody was to eat breakfast. I think breakfast was served at about 7:15pm. Probably about 7:50am we got up and went down and changed into our bathing suits.

19. I think after that around 8:10, 8:15am we went outside on the diving deck. Wade then gave his briefing, told us about the dive, made sure everybody had the equipment they needed. I know he told us about how to get your tank refilled, he went over where to put wet towels. They had a drawing of the sight and he gave us a brief history of the wreck. He pointed out which side to go down because of the current and showed this on the drawing along with different sea life and where to go to see things. He also pointed out the anchor ropes going down to the wreck and explained that spare air tanks with regulators were attached at the ropes at the bottom for a situation where someone ran out of air before they could make it up the rope.
20. Sometime around then he said that we were going to go in little boats around the other side because of the current. The big boat was anchored on the down current side of the wreck so they were going to take us to the other side.
21. Wade made sure that everybody had a safety sausage, which is a big bright orange thing you inflate when you get to the surface so they can find you.
22. At some time Wade mentioned that while we were diving there would be a person up top wearing a bright coloured vest as a look out.
23. Either the night before or in this briefing Wade asked if everybody had a dive buddy. Tina and I were dive buddies, I know there were three guys who didn't have dive buddies. Wade paired two of them up and the third was diving on nitrox and I not sure what happened with him.

		
Witness	Justice of the Peace (Qual) Commissioner of Declarations	Police Officer

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24. Some time around 9am, 9:30am we started getting our stuff ready, getting our wet suits on. We put defog on our masks, we each put our snorkel in our BC pocket. We then put on our wet suit and our boots then our gloves.

25. Tina then sat on the bench and I helped her get into her BC. She held my camera and fins while I got my BC on.

26. We then stood in line until we got in the little boat. I think they had a little boat on each side. We weren't the first boat to go. In total there were six divers per boat and a driver. We went out in one of the boats and anchored off. Tina was across from me and she rolled off on the rope side and I did the same from the other side. Tina and I started to go down and my computer started beeping at about 5 feet so we came back up got in the little boat and the driver headed back to the big boat.

27. When we got back Tina and I sat down, we both took off our BC's and regulators.

28. A male crewmember then came over, I don't know his name. I saw him take two hoses from above and connect them to both our tanks to refill them. While he was doing that I went over to Uzi to get a coin to open up my battery compartment on my computer. I popped the battery out and realised it was in there backwards so I swapped it around and closed it back up. After that I hooked the transponder part back up to my regulator to make sure it was working. I then went back to Uzi and gave him his coin back and waited for the next boat. I had handed my camera to Tina while I was doing this and she was hanging around on the dive deck.

29. About ten minutes later Tina and I got back in the little boat. Wade was in it with three other people and we all went back to the dive sight. The little boat pulled up current and all six of us dropped in and let the current take us straight to the buoy.

This is Page 5 of a Statement comprising 9 Page(s).

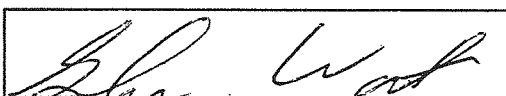
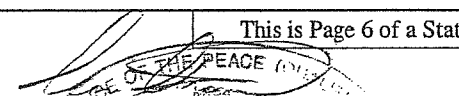
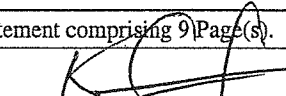
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Witness

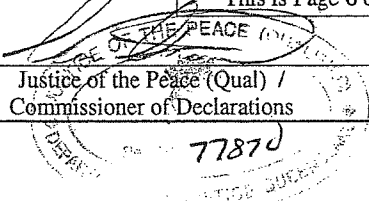
*[Signature]*  
Police Officer

OFFICE OF THE PEACE (QUALIFIED)  
Justice of the Peace (Qual)  
Commissioner of Declarations  
Reg. No. 77870  
DEPARTMENT OF JUSTICE QUEENSLAND

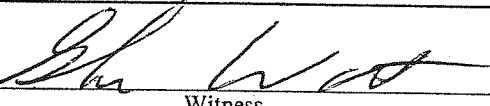
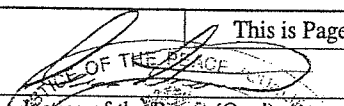
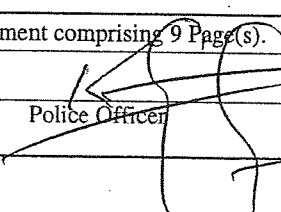
30. Tina went down the anchor rope first with myself following, we weren't going down fast as we were stopping when each of us pointed something out. I don't believe the others were close behind us otherwise they would have bumped into us.
31. We got down to probably 40 feet until we could see the wreck and we left the rope and headed out over to the sight. I don't know how far we swam we could just barely see the people on the anchor rope we were at about 40, 45 feet.
32. We swam out maybe 30 yards maybe less and we were right over the top of it and the current was coming over pretty good. By that I mean from my experience it was a strong current.
33. That's when Tina motioned she wanted to go back up. By that I mean she was using her thumb and motioning in a direction back towards the rope. We started to swim back side by side and I noticed she was going down a bit. She held out her left hand and I grabbed it and started pulling towards the anchor line.
34. We were still at the same depth I was pulling her and at some time she quit swimming and was sinking further down. I let go and turned toward her to see what I could do. Tina appeared scared. I grabbed my inflator hose and motioned to her to do the same because I thought that might have been the problem.
35. She grabbed her inflator hose on her BC and squeezed the hose but I don't think she put any air into her BC. I don't know if she hit the wrong button, I don't know.
36. Tina continued sinking and that's when I first realised something was going on. I grabbed a hold of the strap on her BC and started swimming back towards the anchor line. Because we had stopped we had floated back and down to where we were. This time when I grabbed her she wasn't swimming I was doing all the pulling.
37. I was holding her BC with my right hand and pulling her and swimming as fast as I could. At this time she had her regulator in her mouth and mask on.

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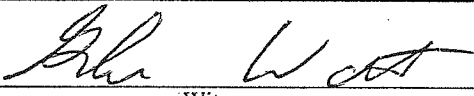

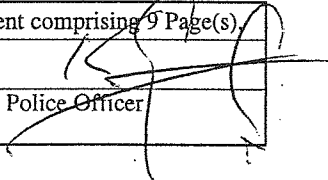
 Witness	 Justice of the Peace (Qual) / Commissioner of Declarations	 Police Officer
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38. I remember her hand coming across my face and she grabbed my mask and pulled it back and it filled with water. I let go of Tina and turned back and cleared my mask. I then realised that my regulator wasn't in my mouth.
39. So I grabbed my safe second and I was breathing off that and I turned around to see what was going on and I saw that she was below me about 5 or 10 feet good enough to see but out of arms reach. She was sinking to the bottom and I could see her eyes open but she wasn't moving about at all.
40. I swam down to grab her or do whatever I could. That's when I realised that I don't think there was anything I could do.
41. I swam back over to the anchor rope and started up. I think I was at around 20 feet and I saw some people hanging on to it. I was tapping on them and pointing in her direction. I had no way to tell them what I needed.
42. That's when I realised I wasn't going to be able to tell them what happened so I went up to the surface and started yelling. One of the little boats from our boat was close and he came over. I told him what had happened. And he radio back in and that's when I took some of my stuff off and got in the little boat and went back to the big boat.
43. The last thing I can remember from that point was that some of the guys were going back from the big boat. I remember yelling to them what colour fins she was wearing so they knew what to look for.
44. At that point I don't even know. I think I got up and told them about how far I thought I was from the anchor rope and told them what happened.
45. Around this time a crewmember came over and we looked at my computer to see how deep I had gone. The maximum I had gone was 54 feet.
46. I also remember the time showed that I had been in the water a total of about 13 minutes. I know my computer starts timing once you reach about 3 feet until you surface.

 Witness	 Justice of the Peace (Qual) Commissioner of Declarations Reg. No. 77870 DEPARTMENT OF JUSTICE QUEENSLAND	This is Page 7 of a Statement comprising 9 Page(s). Police Officer 
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47. All of Tina's equipment was less than one year old. When we travelled to Australia we carried our regulators with us as personnel luggage. Our BC's were in our dive bags with all our other equipment.
48. I know that when she used it to gain her certificate she never told me about any problems. Tina bought her equipment from The Dive Site Incorporated in Hoover. I was with Tina when she picked it up. This is also where Tina obtained her dive certification. I am not aware that Tina had to see a Doctor in relation to a medical examination before she obtained her dive certificate.
49. Tina held an open water dive certificate. I have been on dives with Tina while she was doing her class. These were conducted at an old rock quarry that they converted for diving called Blue Water Park in PELHAM. We had also gone diving at this location about 4 or 5 times after she obtained her dive certificate. At these dives we went to about 50 feet but mainly stayed at 20 to 30 feet and swam around.
50. The only other one I know her to have done was one with her friend at a beach but I don't know where. In total I would say she had done about 12 dives. Tina would always get a little nervous before diving but once she was in she was okay. I have not known her to have panicked in the water before. Tina was an average swimmer.
51. In the 24 hours prior to us diving Tina had not taken any medication or drugs in my presence except for the contraceptive pill. Just prior to our wedding about the 9<sup>th</sup> of October 2003 she went to the doctors and had a needle for a cough and running nose.
52. She also had some tablets, which I think she got from a prescription but I can't be sure. She also had some cough medicine. She finished her medication about the 17<sup>th</sup> of October 2003 while we were still in Sydney.

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Witness	 Justice of the Peace (Qualified) Commissioner of Declarations Reg. No. 77870 DEPARTMENT OF JUSTICE QUEENSLAND	 Police Officer



53. In the 5 years I had been with Tina I had not known her to have any medical problems. I know that at one stage she had a medical procedure where a needle had to be inserted to remove a hereditary growth but to my knowledge it was a minor procedure.
54. During the two briefings on the Spoil Sport, the only thing that I can remember about specific conversation with the crew about our dive experience is that on the first night Wade mentioned we may do a night dive and that was also on one of the forms we filled out. I was with Tina when she told Wade she had not done a night dive and he said that he would want to go with her in relation to any night dives. I know that later in the night Tina had also been talking to Wade about what was required for her getting her Advance Dive Certificate.
55. I am not aware that any crewmember inspected our equipment. I did not see any one check it or hear of any body having checked it. After the incident Tina was not taken to the boat I was on. I am not aware if any one touched her equipment.
56. The whether conditions were clear and hot. The wind was blowing a bit and there were a few white caps.

**OATHS ACT 1867 (DECLARATION)**

I Gabe Watson do solemnly and sincerely declare that:

- (1) This written statement by me dated 22/10/2003 and contained in pages numbered 1 to 9 is true to the best of my knowledge and belief, and
- (2) I make this statement knowing that if it were admitted as evidence, I may be liable to prosecution for stating in it anything I know to be false.

and I make this solemn declaration conscientiously believing the same to be true and virtue of the provisions of the Oaths Act 1867

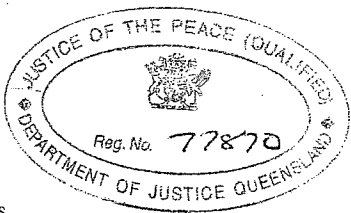
Gabe Watson .....Signature

Taken and declared before me at Townsville

This 22<sup>nd</sup> day of October 2003

Witness [Signature]

Justice of the Peace /  
Commissioner of Declarations  
Other (Please State) .....



This is Page 9 of a Statement comprising 9 Page(s).

[Signature] Witness

[Signature] Justice of the Peace (Qual) / Commissioner of Declarations

[Signature] Police Officer

