



QUEENSLAND POLICE SERVICE  
STATEMENT OF WITNESS



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

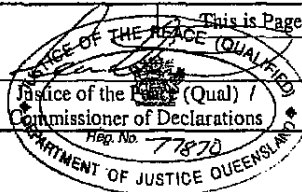
Name of witness:	Lou Susan JOHNSTONE	Date of birth:	24.06.1978	Age:	25
Occupation:	Dive Deck Volunteer				

Police officer taking statement:

Name of police officer:	Glenn LAWRENCE	Rank:	Senior Const	Reg. No.:	10253
Region/ Command/ Division:	Northern / Townsville	Station:			

1. Lou Susan JOHNSTONE states:
2. I am a 25 year old single female and I reside at 103 Crown Road, Queenscliff NSW 2096. ~~My email address is louba30@hotmail.com I am currently performing volunteer work on~~ board the Mike Ball Dive Expedition vessel "Spoilsport". I commenced volunteer work yesterday the 21<sup>st</sup> of October 2003, on the first day of a seven day live aboard trip along the Great Barrier Reef, this trip would include various dive sites including the Historic Shipwreck of the Yongala and Flinders Reef areas.
3. My position on board the vessel is that of a general deck hand. My duties include lookout, filling dive cylinders, equipment sorting for the passengers, signing divers in and out of the water.
4. Spoilsport departed Townsville about 9:00pm and steaming through the evening until we anchored at the Yongala Shipwreck at about 2:00am.
5. On Wednesday the 22<sup>nd</sup> October 2003 I was working on the dive deck. The first dive of the day was around 7:00am. Brian and I completed that dive with the setting of Deco tanks on the shot lines on the Bow and Stern of the Yongala. Whilst underwater I noticed that the current was very strong, running from Bow to Stern. Upon my return to Spoilsport Wade (our trip director) asked about the dive conditions. Around 10:00am I

	This is Page 1 of a Statement comprising 4 Page(s).	
Witness		Police Officer

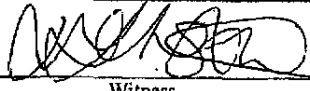
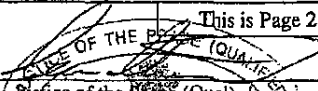


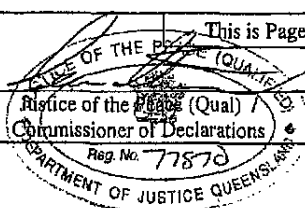
**CONTINUED STATEMENT OF: Lou Susan JOHNSTONE**

Checked Tina and Gabe into the water, they were the last two into the tender, there were about six in the tender.

6. The tender left Spoilspport. The tender returned about five or ten minutes later with only Gabe and Tina on board. Both Gabe and Tina looked very flushed in the face and anxious or stressed. Their appearance made me think that they were ones to watch. I did not check them out of the water.
7. A few minutes (only about five minutes) I was thinking about Gabe and Tina again when I realised that they were not on board. I asked Brian where they were and he told me that they had gone back into the water. I thought this was strange after being so flushed and stressed shortly before.

8. About ten to fifteen minutes later I saw Uzi and Dave putting their dive gear on over their clothes very quickly. Uzi and Dave got into the tender being used by some commercial divers and sped off in the direction of another other dive vessel in the area. About two minutes after that the other tender returned to Spoilspport with Gabe on board. I helped Gabe aboard Spoilspport. Gabe was very distressed crying and not making much sense.
9. John D (a Doctor on board) sat Gabe down had held him in an embrace for a couple of minutes. Rebecca and Steven arrived with an Oxygen bottle the DAN resuscitation kit, Rebecca got on the tender, while Rebecca was getting in I heard someone say, "They found her and she is on the other boat." One of the other passengers said that John D was a Doctor, so John got into the tender with Rebecca. Rebecca and John then left in the direction of the other dive boat.
10. I continued checking our divers back out of the water. No diver re-entered the water after this incident. I assisted with the checking in of the divers from the other dive boat, the name of the boat I now know to be JAZZ II.

This is Page 2 of a Statement comprising 4 Page(s).		
		
Witness	Police Officer	




State v. Watson  
003309

**CONTINUED STATEMENT OF: Lou Susan JOHNSTONE**

11. I continued the above duties until about 1:00pm when I was asked to go and sit with Gabe while Wade addressed the dive group. I sat with Gabe for about an hour during which time mostly unrelated discussions were held.
12. At about 1:30pm we began heading back towards Townsville, Gabe stayed below in his cabin for about half an hour. I left Gabe in his cabin about 2:00pm while he went and had a shower and got changed before coming upstairs to the saloon area.
13. We arrived in Townsville around 5:00pm. We stayed on board until we were required to attend the Townsville Police Station to provide statements. Gabe came and said a few word to the passengers and crew before he left the boat.

~~14. I have no further dealings in this matter.~~



Lou Susan JOHNSTONE

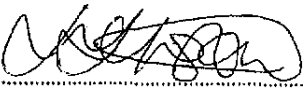
**OATHS ACT 1867 (DECLARATION)**

I Lou Susan JOHNSTONE, do solemnly and sincerely declare that:

- (1) This written statement by me dated Thursday the 23<sup>rd</sup> of October 2003 and contained in pages numbered 1 to 3 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.

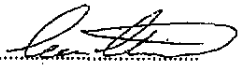
and I make this solemn declaration conscientiously believing the same to be true and virtue of the provisions of the Oaths Act

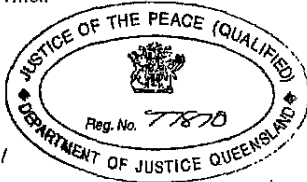
1867


.....Signature


Taken and declared before me at Townsville..

This 23<sup>rd</sup> day of October 2003....

Witness   
Justice of the Peace /



 Witness

 This is Page 3 of a Statement comprising 4 Page(s).  
Justice of the Peace (Qualified)  
Commissioner of Declarations

Police Officer



QUEENSLAND POLICE SERVICE  
STATEMENT OF WITNESS



Statement No.:		Date:	19/08/2005
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Statement of:


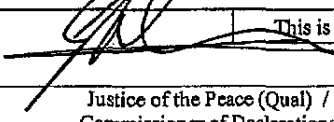
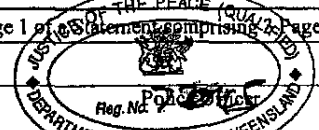
Name of witness:	Lou Susan JOHNSTONE	Date of birth:	24.06.1978	Age:	27
Occupation:	Dive Deck Volunteer				

Police officer taking statement:

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

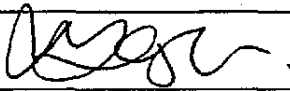
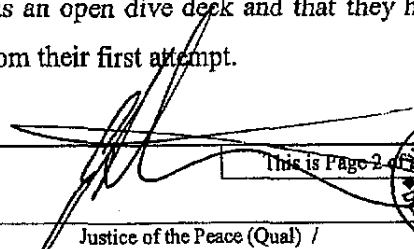
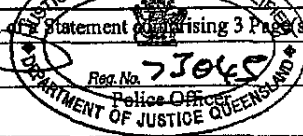
ADDENDUM STATEMENT

1. Lou Susan JOHNSTONE states:
2. I am presently a qualified Dive Instructor and at the time of the incident I was a qualified Dive Master.
3. On the 22<sup>nd</sup> of October 2003 I provided a statement to Police in relation to a death that occurred at the Yongala Dive site. I now wish to provide further information in relation to that incident.
4. I can state that at no time did I enter the water during the time the Tina and Gabe were in the water.
5. At about 1:00pm on the 22<sup>nd</sup> of October 2003 when I was asked to go and sit with Gabe in his cabin on board the Spoilspout I remember the following conversations with Gabe. I tried not to say much myself because of the situation however I remember that Gabe kept saying "I can't believe it" over and over again.
6. After a couple of minutes he sat down on one of the beds and he said, "Do you mind if I tell you what happened I need to talk about it."
7. I said, "That's fine."
8. He then said something like, "We weren't very far from the surface and Tina panicked and grabbed for my regulator that was in my mouth. I pulled it back from her then she grabbed at my mask and it flooded with water. When I cleared my mask of water she was gone. Then I came straight up to the surface to get help and started shouting I've lost my wife, I can't find my wife."
9. In between saying this Gabe kept standing up and going to their bags and picking up pink ribbon's and her clothes and was holding them and saying, "I can't believe it."

		This is Page 1 of 2 Statement comprising 2 Page(s).
Witness	Justice of the Peace (Qual) / Commissioner of Declarations	

**CONTINUED STATEMENT OF: Lou Susan JOHNSTONE**

10. Gabe did not say anything about why Tina panicked or anything that happened leading up to her panicking. Gabe did not say anything more about his ascent after the incident. Gabe did not say that he had any other difficulty during the incident except that Tina had grabbed his regulator and mask.
11. After Gabe had related the incident to me he appeared to calm down some what. What I mean by that is that he sat down and spoke in a quieter voice and a more level tone where as when he was relating the incident he was moving about a lot and his voice was up and down in tone and volume. He then told me how they had just got married and this was their honeymoon. He was saying stuff about the future like, "What's going to happen to my life now."
12. This is when he told me he was a qualified rescue diver and that Tina had only just started to dive with him. He said that she had only done diving in a Quarry in America. When Gabe started talking about this I found it difficult to accept his explanation that he pulled his regulator back off his wife instead of using his alternate air source taking into consideration he was a qualified rescue diver. I also know they were offered a dive instructor because the dive site was graded as red and Tina was graded as a least experienced diver. As an instructor I also remember she appeared to be having trouble remembering how to set her dive gear up. I also remember seeing Gabe being very dominant to her. By that I mean if she was having trouble he was taking it off her and being very dogmatic. I stayed close enough to get eye contact to offer help however by Gabe's body language he appeared not to want anyone to interfere.
13. When we returned to Townsville I remember everyone being in the main dining area of the boat. The boat had docked but no one had come on board or left. To my knowledge Wade the trip director at Gabe's request asked every one to gather around as Gabe wanted to say something. Gabe then came in and addressed the passengers and crew. I remember him being quite composed and he thanked everybody for what they had done. I can't recall anything else that he said at that time.
14. In relation to paragraph seven of my first statement I remember that Brian told me that they had weighted Tina up some more because she couldn't descend. I remember thinking it strange that they would go back in the water so quickly as we had seven days to dive, that it was an open dive deck and that they had appeared stressed to me when they came back from their first attempt.

		<p>This is Page 2 of 3 Statement comprising 3 Pages (A).</p>
Witness	Justice of the Peace (Qual) / Commissioner of Declarations	

**CONTINUED STATEMENT OF: Lou Susan JOHNSTONE**

15. I have not had any further e-mails or communications with passengers or crew about the incident itself although I have communicated with some people in relation to other matters.
16. After this incident we went back out to sea to continue the trip. Straight after one of the first dives Claudia Petersen another volunteer raised a concern with me that MBDE staff member first mate, Dave did a dive with her and that there was some water in his cylinder. After this, all the tanks were emptied, turned upside down and refilled. To my knowledge no other tanks had water in them. There was some disruption to the time of the next dive due to this, but passengers were not told about it. A meeting of staff was then held in the engine room to notify us of this and I remember someone asking why I was in the room as I was a volunteer on the vessel, but it was agreed that I needed to hear what was being said. The matter was hushed up and not mentioned again.




Lou Susan JOHNSTONE

**OATHS ACT 1867 (DECLARATION)**

I Lou Susan JOHNSTONE, do solemnly and sincerely declare that:

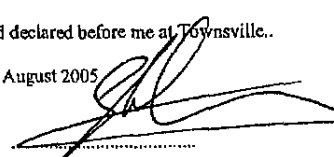
- (1) This written statement by me dated 19th August 2005 and contained in pages numbered 1 to 3 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that if it were admitted as evidence, I may be liable to prosecution for stating in it anything I know to be false.


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

.....Signature


Taken and declared before me at Townsville..

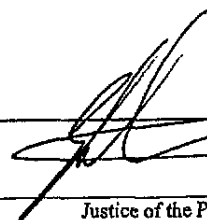
This 19th August 2005

Witness .....  
Justice of the Peace /



This is Page 3 of a Statement of Page(s)

.....  
Witness

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Justice of the Peace (Qual) /  
Commissioner of Declarations

