



QUEENSLAND POLICE SERVICE

STATEMENT OF WITNESS



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| Statement No.: | Date: 22.10.2003 |
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Statement of: Andrew John SHERMAN

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| Name of witness: | Andrew John SHERMAN | Date of birth: | 15.3.1948 | Age: | 55 |
| Occupation: | Developer | | | | |

Police officer taking statement:

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|--------------------------|---------------------|----------|--------------------------------|-----------|------|
| Name of police officer: | Sandra K CROSS | Rank: | Plain Clothes Senior Constable | Reg. No.: | 9782 |
| Region/Command/Division: | Northern/Townsville | Station: | Criminal Investigation Branch | | |

Andrew John SHERMAN states:

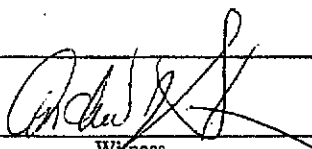
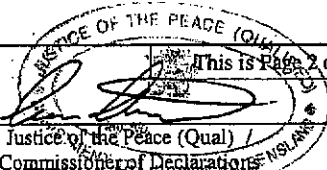
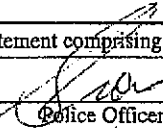
1. I am a 55 year old married male. I currently living in Guatemala. My current postal address is 10000 NW 17th Street no 102, Miami FLORIDA, USA, 33172. I currently live at 3 Avenida 10-90 Zona 10, Guatemala City, Guatemala, 01010. My email address is asherman@intelnett.com.
2. I arrived in Australia on the 20th October, 2003 with my daughter, Jacqueline, and met up with my wife, Adriana and daughter Jamie. We travelled as a family to Townsville on the 21st October 2003. I booked for my family, to go on a week long dive trip with Mike Ball Dive Expeditions on the Spoilsport. I am an experienced diver and have done about 85 dives. I have an advanced open water certification.
3. We boarded Spoilsport at 8.30pm on Tuesday the 21st October, 2003. We travelled out to Yongala wreck overnight.
4. We had breakfast around 8.00am on Wednesday the 22nd October, 2003, we were anchored out near Yongala wreck. The briefing commenced at 9.15am, and this was mandatory for all persons that were on the boat.
5. The briefing went for about half an hour or so. The briefing was conducted by Wade. He started with all the safety measures, all of the hand signals, where the crew was going to be, how to get to and from the wreck, there were some different options, either by the inflatable or using lines, maximum depths, times in the water, and then the specific details of the wreck, current

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

CONTINUED STATEMENT OF: Andrew John SHERMAN

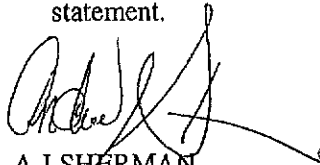
conditions for example water temperature, currents, what we were going to see, how to best do our first dive on the wreck. I totally understood what he was saying, it was very clear and thorough. He answered questions any of the guests asked.

6. After the briefing we got our dive equipment on and boarded the rubber inflatable boat which took us to the dive site. It was about 10.00am at this time. I think we were one of the last dinghies out if not the last. In the boat I was in was my family, (wife and two daughters) and Gabe and Tina, Michael and John. We had had breakfast with Gabe and Tina.
7. Michael and John got in the water first. My wife and daughters and myself got in the water next and started to descend. But my wife didn't have enough weight, so we went back up to the inflatable boat to get more weight for her. There we found Gabe and Tina, in the water on the surface, alongside the boat. ~~Gabe said his computer wasn't working properly. My wife got the proper weights and we descended. That was the last time I saw Gabe and Tina.~~
8. We did our dive, my wife, daughters and myself. The dive was 44 minutes to a maximum depth of 90 feet. There was a current, but I didn't experience any problems with this whatsoever, and we were briefed in relation to this, and knew what to expect. The water temperature was 77 degrees Fahrenheit. I could see a crew member, on the sun deck, in an orange identifiable jacket keeping an eye on everyone, this was explained during the briefing. When we came back to the surface, we swam back to the Spoilspout, using the lines laid out between the buoys and the boat. We took off our equipment, dried off, changed clothes and then went back out on the deck, which took about half an hour.
9. I then heard the news from one of the other divers that something was wrong with Tina. I didn't see anything else in relation to what happened to Tina. The last I saw her was when she was near the rubber inflatable and she seemed perfectly normal.
10. About an hour and a half later Gabe gave a briefing about what happened, around noon. The crew then advised that we were going back to Townsville.

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|  Witness |  Justice of the Peace (Qual) / Commissioner of Declarations |  Police Officer |
| This is Page 2 of a Statement comprising 3 Page(s). | | |

CONTINUED STATEMENT OF: Andrew John SHERMAN

11. After arriving in Townsville the Police came to the Spoilsport and transported me back to the Townsville Police station, where I made this statement.


A J SHERMAN

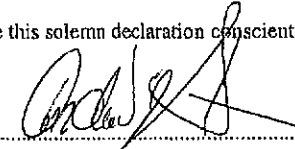
Oaths Act Declaration

OATHS ACT 1867 (DECLARATION)

I...Andrew John SHERMAN..... do solemnly and sincerely declare that:

- (1) This written statement by me dated 22.10.2003 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.~~

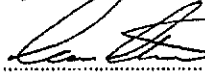
and I make this solemn declaration conscientiously believing the same to be true and virtue of the provisions of the Oaths Act 1867


.....Signature

Taken and declared before me at Townsville

This 22nd day of October 2003....

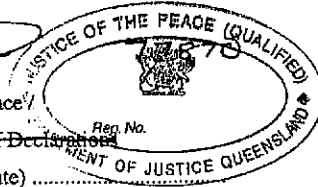
Witness



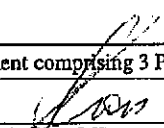


Justice of the Peace

Commissioner of Declarations

Other (Please State)



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|  Witness |  Justice of the Peace (Qual) / Commissioner of Declarations |  Police Officer |
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This is Page 3 of 3 Statement comprising 3 Page(s).