



QUEENSLAND POLICE SERVICE  
STATEMENT OF WITNESS



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

Name of witness:	David Bruce LEMSING	Date of birth:	22/07/1965	Age:	38
Occupation:	1st Mate				

Police officer taking statement:

Name of police officer:	M L TRAPNELL	Rank:	DSC	Reg. No.:	9646
Region/ Command/ Division:	Northern	Station:	Townsville CIB		


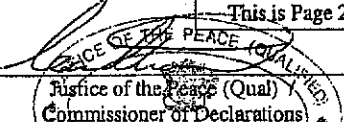
David Bruce LEMSING states:

1. I am 38 years old, single employed as the 1<sup>st</sup> mate of the vessel Spoilsport.
2. I reside at 90 Tenth Avenue, Railway Estate.
3. I have been employed as the 1<sup>st</sup> Mate and Dive Master for approximately the past 5 years with Mike Ball Dive Expeditions Australia.
4. The head office is located at 142 to 143 Lake Street Cairns, phone number is 0740315484.
5. Mike BALL owns part thereof of the company and the other part is own by a corporation, but all I know of the corporation is it may be a Japanese corporation.
6. As being 1<sup>st</sup> Mate my duties are doing watches which is when we are steaming at night between dive sites and the Master needs a sleep I will stand watch for a couple of hours.
7. I also raise and lower the anchor and or moorings, clean the toilets and do a bit of maintenance and clean the external part of the vessel, and help in the gallie and dive deck as required.
8. With the maintenance it is mainly cleaning and polishing and keeping the tenders fuelled, and braiding on the line I do lookout, diving with guests, or being the on duty dive master, which is filing tanks, assisting divers in and out of the water, and logging dice information on the dive log.
9. Being lookout involves wearing a lookout vest which is an orange workers vest which is very visible and hand held UHF radio set to channel 10, and a whistle and depending on conditions binoculars.

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

CONTINUED STATEMENT OF: David Bruce LEMSING


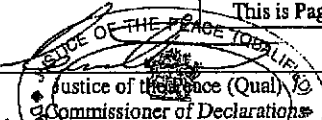
10. I usually lookout from the sun deck which is the upper most deck with 360. visibility, and to keep an eye on the dive area and a 360. view around the vessel, looking for divers that surface and watching snorklers who may be in the water.
11. When a diver surfaces I signal OK to them which is either a hand on top of your head if they are close enough or if they are further away you place both hands above your head in an oval shape.
12. On this the diver would return the signal to indicate they were OK. If they weren't or if they were a far distance from the vessel or strong current I would radio to the dive deck and send someone in the tender to pick them up.
13. The two tenders would be in the water for having over 10 passengers on board for the trip.
14. Part of the dive deck duties is also to drive the tender if needed.
15. The tenders are infallibles and usually sit about 6 passengers.
16. I basically help out anywhere around the vessel as I am needed.
17. This trip started from the Quarterdeck near the Townsville Casino on Tuesday the 21<sup>st</sup> day of October 2003.
18. I am based here in Townsville and the vessel dose 6 and 7 day dive trips.
19. The vessel is in on Tuesdays for cleaning and supplies before heading back out on the dive trips.
20. On this trip the Master was Gavin DOCKING and he is in charge of running the vessel to the dive sites as directed by the Trip Director and then the Trip Director is in charge of the dive deck and the dive operations.
21. If there is a decision to be made on where to dive etc, the Master and the Trip Director liaise with each to give the best possible outcome for the guests.
22. With each trip we have two volunteers who help out in the galle and the other is a dive deck volunteer. The dive deck volunteer must be a certified and insured dive master or above.
23. To be a dive master who have to have you open water, advanced open water, rescue, and this gives you the qualifications to do the dive master course and after this you can qualify as the dive master.
24. I think it is minium of 60 dives you would have to have completed to qualify for the dive master certification.

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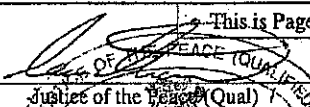
**CONTINUED STATEMENT OF: David Bruce LEMSING**

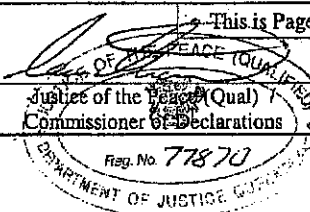
25. The Trip Director who was Wade SINGLETON is his responsibility for the qualifications of the volunteers and also the passengers for the level of experience which is open water as you don't need an instructor with you but you dive with a buddy.
26. They are also in charge of making sure the dive logs are completed and filled out correctly and the master of the vessel has to sign the log sheets as being filled out correctly, and also discuss the experience with the divers like how long it has been since their last dive and also the number of dives completed and the maximum depth they have been to, so that we can meet their needs so they get the best dive for their experience.
27. Each dive is recorded time in time out, who their buddy was, depth on previous dive, depth this dive, dive time, and safety stops- did you do one-how long and what depth. The average being 3 minutes at 5 meters. If you go below 25 meters we recommend you stop twice once at 10 meters for 2 minutes and 3 minutes at 5 meters. This is the divers responsibility to do the stops.
28. Most divers stay at the required levels for longer than the recommended time.
29. This recording is completed by one of the on duty dive masters, on the dive deck.
30. Usually have a minimum of two persons on the dive deck which can be two full time or one full time and a volunteer, but it is quite often it is more than the two persons.
31. The lookout is on the upper most deck pending where everyone is diving.
32. There is no limit to the amount of persons that can be diving at one time.
33. Each time we go to a dive site there is a dive briefing and a chalkboard map with suggested limits.
34. On this trip there was approximately 26 passengers and 12 staff. The trips begin at the Quarterdeck and when the passenger come on I met them at the gangway and welcome them and ask them to check that all their luggage is on board the vessel, and usually suggest that the passengers staying in even numbered cabins go upstairs for their interview with the trip director, and the passengers of odd numbered cabins would stay on the dive deck and set up their equipment.
35. I stay on the gangway counting the people on by crossing their names off as they come on and while the passenger are setting up their equipment there is usually one volunteer, and one or two of the dive masters.
36. Quite often one or two of the other staff are present to help out the passengers.
37. The set up is for putting BCD which is a buoyancy compensation device which is used to keep you at a certain depth pending on the amount of air adjusted into the BCD.

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CONTINUED STATEMENT OF: David Bruce LEMSING

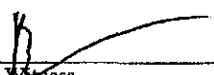
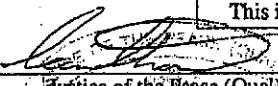
- 38. They also put their regulator onto the tank, and check the tank contents and to check the gear if functioning. By this the tank contents are check buy the SPG Submersible Pressure Gauge to test the air pressure in the cylinder/tank.
- 39. 300PSI or 200 bar is classed as a full tank. The tanks are filled automatically every time and you always go in with a full tank. If when the passenger is checking the tank and it is not full the tank will be topped up.
- 40. As the passengers are setting up the volunteer and the dive master are usually going around talking to and offering assistance to the passenger and enquiring to see if everything is OK.
- 41. At this time the regulator and hoses are checked for general condition and leaks.
- 42. The other items checked are fins, weight belts and mask and snorkel.
- 43. Most people where wet suits and we recommend as least a lycra suit for stingers and irritations.
- 44. This can take 15 minutes to an hour and after the set is correct the dive gear stays in a rack with your dive gear.
- 45. After this the passengers swap from the dive deck to the Trip Director Interviews.
- 46. I do not take part in the interviews, but include last dives, depths, certification levels, and evacuation/divers insurance.
- 47. You must also have had a medical certificate to dive and I know with being a dive master you have to have a yearly medical. I am not sure what the circumstances are surrounding the recreational diver.
- 48. Once both groups are set up we head to the main harbour to fuel up and once we are fuelling we hold a series of briefs starting with passenger and crew introductions and then there is the Skippers brief about safety, weather, restricted areas on board the vessel and a life jacket demonstration and other discussions like smoking etc, but I have not tended to a full briefing as I am doing other general things on other sections of the boat.
- 49. After the Skipper has his brief the trip Director has their briefing which includes things like serving meals, the TV's Air Conditioners and general comfort and knowledge of the way we are going to run the trip.
- 50. Depending on the video professional they may also do a brief about cameras for hire and film processing etc and the run down of their services.
- 51. I am not aware if the passengers on this trip have signed any disclaimers as I am not associated with that part of the trip.

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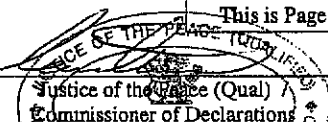
CONTINUED STATEMENT OF: David Bruce LEMSING

52. I do have the responsibility of checking people if they want to do a solo dive and also if a passenger refuses advice, re going deep all day and not staying on board for the required stop between dives and solo diving by leaving their buddy.
53. The form is to say that they have been informed the practice is not safe and have been advised against it.
54. These forms are also used for us to write up things people have done against our safety recommendations.
55. On the first morning of the trip there is a dive deck briefing at which time the trip Director conducts the briefing including taking your regulator off so we know to fill your tank, recommended recreational dive limits, minimum surface intervals, and people must have at least one buddy, and make sure everyone has a safety sausage which is a bright coloured signal device which when inflated will come to the surface for if you are in distress and tried and a distance away from the vessel.
56. It signals the Lookout and or dive masters as to some occurrence where the device has been observed.
57. There is a whole check list and a manual that the Trip Director goes through step by step and we have colour coding for what each particular site is like and things for putting your wet towel after your dive and having a glass of water after each dive, and informing divers that there is as a lookout on each dive and what the lookout will be wearing.
58. Also go through hand signals for the buddy's to use under water, and also OK signals for above water, and the signal if a diver wants to be picked up for whatever reason.
59. There is then a Dive Site Brief and the particular site which includes, visibility, the currents, what you are likely to see there, depths recommendations and a reminder of the safety stops, buddy system, and if everyone has a buddy and if not a buddy will be organised, and possibly a recommended boundary for the dive site.
60. It is after this people start to put their wet suits on and check their tanks full and if I am the dive master it is now the log sheets are commenced for the dive and is only used for the one dive.
61. The lookout is on the upper most deck.
62. The first dive on this trip was to the YONGALLA wreck which is about 12 NM off the coast.
63. The dive commenced at about 10 o'clock onwards. I was not there at the start of the dive or the briefing as I was doing other duties on the vessel.

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

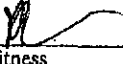
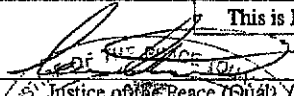
CONTINUED STATEMENT OF: David Bruce LEMSING

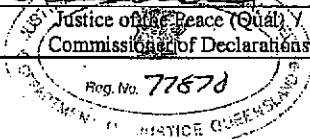
64. Wade the Trip Director, Simon one of the instructors and a volunteer was on the dive deck when I arrived and I think it was Brian was on lookout, and on this dive as there was a bit of current we had Craig the engineer taxiing passenger in the tender to the drop of bouy.
65. I do not know what the current was but by my standards the current was medium but I have seen the site to have a strong current to no current. In saying my medium current could be for another person a strong current.
66. The surface condition was about a .5m swell and was not choppy to me.
67. Visibility on the surface was clear and I was told the under water visibility was about 8 to 10 meters.
68. This visibility for the YONGALLA site is average.
69. When I have come to the dive deck quite a lot of the passengers where in the water and some where still gearing up and waiting for the tender and Wade and Simon where going in with some of the passengers and this was why I was on the dive deck.
70. I am not sure how long the other divers had been in the water but the couple in relation to this incident whee already in the water or getting a taxi to the drop off point.
71. When I went down to the dive deck I took over the Log Sheet. The Log Sheet is not used only one person as when you are on te dive deck you are filling tanks assisting divers in and out of the tender and in and out of the water and offering them water and towels and if everyone is OK, and because of this we all fill out the Log Sheet, and also as being on the dive deck you check the gear over of the divers and make sure the tank valve is fully open.
72. This couple came back with the tender after aborting the first dive and reasons I do not know.
73. Craig bought them back to the vessel in the tender and I assisted them out of the tender and back onto the dive deck.
74. After this they both put there tanks back in the tank rack and I started to top the tanks up I am not sure who filled the Log Sheet out .
75. I then got some other passengery ready and the couple had a surface interval.
76. I am not sure how long this was but I would say it would have been about 15 minutes by the time the tanks were topped up and they got geared up to get going again.
77. They entered the tender with the same group as Wade the Trip Director and taken to the drop off point which was about 50 or 60 meters away from the vessel.

This is Page 6 of a Statement comprising 11 Page(s).		
 Witness	 Justice of the Peace (Qual) Commissioner of Declarations Reg. No. 7757d DEPARTMENT OF JUSTICE QUEENSLAND	Police Officer

**CONTINUED STATEMENT OF: David Bruce LEMSING**


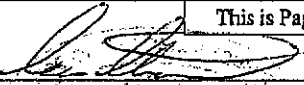
78. I was helping people coming back from the dives and filling tanks and doing Dive deck duties when I heard a call over the UHF radio.
79. There was one radio on the dive deck, one with the lookout, one on the tender, and the base station one in the Wheelhouse.
80. There was only one tender being used for the passengers as the other tender was being used by commercial divers checking the moorings at the YONGALLA wreck.
81. There is five moorings at the site and a isolated danger marker which is a large metal bouy with a mast and signal for other vessels to know there is a wreck on site and is classed a danger site to stay clear of and because of the dive vessels and divers present.
82. There was also Jazz 2 Dive Vessel out there from Tropical Dive Adventures and sometime during this dive a vessel run by Pro-Dive Townsville.
83. The tender being used by the commercial divers was available to us at nay time if needed.
84. The radio is normally in on of the tenders and today it was because the drop off point was in front of the vessel and the divers would drift down to the stern and swim across a surface line to the rear of Spoilspport and come up the ladders.
85. I heard a call over the radio from Craig in the tender "There's a problem we have a possible missing diver and to get a diver ready to go in for possible search"
86. Craig called back moments later and said " We definitely need two divers in a hurry.
87. At this point Uzi the video pro and myself geared up and signalled to the commercial diver tender to come over. Uzi and I got into the tender and proceeded forward of Spoilspport to the drop off bouy. At this time the Tropical Dive vessel was moored near the drop off bouy.
88. As we approached we slowed and I saw Wade the trip director surface at the back of the Tropical Dive vessel with what appeared to be an unconscious diver.
89. Myslef and Uzi slipped out of our gear and Uzi jumped onto the Tropical Dive vessel and I could see from where I was that there was a couple of Tropical Dive staff with Wade and they were getting the O2 ready and had also taken off the dive equipment off the lady and laid her on the deck.
90. The was plenty of experience persons there so I returned to Spoilspport to continue my work as the dive master as there was still person in and coming back from there dive and I was needed back on the vessel for this passengers.
91. I am not sure how long after Craig came back to our vessel and picked up John D last name unknown who was a doctor and took him across to the Tropical Dive vessel.

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 Witness	 Police Officer



**CONTINUED STATEMENT OF: David Bruce LEMSING**

- 92. Craig then made several other trips getting O2 and other medical supplies, and various items.
- 93. I think it was our Master Gavin and or the Master of the Tropical Dive vessel were in contact with the hospital.
- 94. I think one or two of our other staff may have gone across in the tender with supplies.
- 95. I kept working and made sure the divers got back and were safe and filling out the log sheet.
- 96. Also during this time arrangements were made to pick up the guest who were in the water from the Tropical Dive vessel and bring them over to SpoilSport, and log these person details as well.
- 97. I continued with my work until we knew what was happening and we organised a couple of our divers to go back in and remove our lines and spare tanks from the YONGALLA which had been placed there prior to the first dive.
- 98. It was sometime around this that the passengers of both vessels were given separate briefs on what was happening.
- 99. I drove the tender with our two divers Simon and Brian who retrieved our lines and tanks.
- 100. I waited for the divers to finish the dive and I picked them up with the tender and brought them back to SpoilSport, unloaded the gear and the divers and raised the tender to get ready to return to Townsville.
- 101. Shortly after there was ferry of the passengers in the other tender back to the Tropical Dive vessel and the ferry of their equipment as well.
- 102. After this the body of the lady was brought back to the SpoilSport and carried her into one of the cabins.
- 103. I am not sure if it was before I went out with the divers or not but I was asked by Craig over the radio "To get a body bag" which I got out of the wheelhouse and past it to Craig who was in the other tender.
- 104. The tender was used to do something for the commercial divers and delivered them to the other vessel Adrenalin from Pro Dive.
- 105. We then raised the other tender and checked to make sure all the ladders and lines were ready to leave and I went to the foredeck and on the masters command released the mooring and I think at this time Craig was giving me a hand, and we made way to Townsville.

This is Page 8 of a Statement comprising 11 Page(s).		
		
Witness	Justice of the Peace (Qual) Commissioner of Declarations	Police Officer

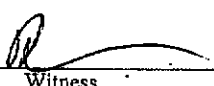

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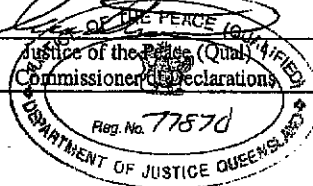
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CONTINUED STATEMENT OF: David Bruce LEMSING


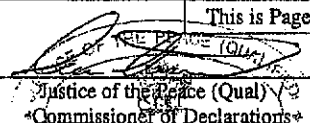
106. As soon as the diving equipment that had been used by the lady was bought over from the Tropical Dive vessel it was carried to the wheelhouse.
107. As far as I am aware the equipment was not touched in any way as is procedure the equipment is quarantined.
108. The dive computer of the husband was taken to the wheelhouse as well.
109. We were under way and saw to my jobs on the vessel, and stood watch for about half and hour as the master had a shower and freshened up and he filled out his statement in a incident form.
110. I also filled out one of the incident forms and placed the form on the dash of the vessel for wade.
111. As we approached Townsville I got the berthing liners ready, I had a shower and changed into my whites for return to harbour.
112. As we approached the Quarterdeck I went to my position of the foredeck and tie the lines.
113. I finished berthing and the engines were shut down by the master and the police and photographs and work place health and safety people arrived.
114. I showed the photographer and a couple of other officers to the cabin where the deceased lady was.
115. Our management arrived at the Quarterdeck and sometime after we were given a crew briefing in the wheelhouse, and also gave the passengers a briefing as well.
116. I assisted in preparing the vessel for return to sea and also preparing for the passenger comfort and evening meal.
117. I saw the diving equipment being taken off board by one of the police officers.
118. Every time equipment is given out it is given the once over by the dive master and usually oversee the setting up of that equipment.
119. If at any point any of our equipment needs maintenance usually the dive staff will fix a hose or o ring type things, the engineer may fix a cylinder valve and things of that nature and if it is more complicated the equipment is quarantined and tag by way of a manila tag on it with the problem the date and the name of the person reporting the problem and is noted on the equipment log.
120. I do not know if the gear was the there own gear or ours but when I was filling the tank after they had aborted there first dive I recall the gear did not look like our equipment.

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 Witness	 Police Officer



**CONTINUED STATEMENT OF: David Bruce LEMSING**

121. I do not know why they did not complete their first dive and they did not say. It is not uncommon for people to abort there first or even second dive especially if they have not been in the water for a while, as they ease themselves back into diving.
122. All our equipment is tested and serviced at least yearly and is sometimes also checked during maintenance periods.
123. I was not involved in the setting up of their gear and they seemed to be disappointed they did not make the first dive, and seemed OK to attempt another dive.
124. A couple of people had minor trouble with the current when first dropped off at the surface line by not grabbing hold of the line when they first got in the water.
125. The YONGALLA is known for currents and because of the nature of the wreck the currents can change quickly and this usually is made appoint of in the dive site brief as is holding the lines at all times when near the line.

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 Witness	 Police Officer



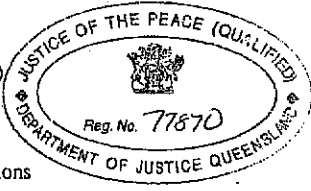
**CONTINUED STATEMENT OF: David Bruce LEMSING**



126. There is attached to the wreck lines to assist with descending and ascending divers to and from the wreck and also surface lines connected to the stern of Spoilport and on the other end to a short surface line with a small float.

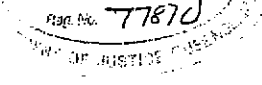
127. The use of the lines is covered during the briefings and would be known to all divers. These lines are used to make it easier and safer for divers.

  
David Bruce LEMSING

**Oaths Act Declaration**

<b>OATHS ACT 1867 (DECLARATION)</b>	
I <u>David Bruce Lemsing</u> do solemnly and sincerely declare that:	
(1)	This written statement by me dated 23/10/2003 and contained in pages numbered 1 to 11 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.....23rd.....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





QUEENSLAND POLICE SERVICE  
ADDENDUM STATEMENT OF WITNESS



Statement No.:		Date:	20/08/2004
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Statement of:

Name of witness:	David Bruce LEMSING	Date of birth:	22/7/1965	Age:	39
Occupation:	1 <sup>st</sup> Mate – Diver Master – Mike Ball Dive Expeditions Australia				

Police officer taking statement:

Name of police officer:	Gary Colin CAMPBELL	Rank:	Det. Sgt	Reg. No.:	6690
Region/ Command/ Division:	Northern	Station:	Mundingburra Criminal Investigation Branch		

David Bruce LEMSING states:

I am a single man, 39 years of age, and reside at an address known to police.

I have previously provided a statement to police in relation to the death of Tina WATSON. I know her husband by the name of Gabe. Her death occurred on the 22<sup>nd</sup> day of October 2003. The death occurred at the Yongala wreck off Townsville. This statement was provided to police at the Townsville Police station on the same day of the death.

I have been requested to attend to the Cairns police station on the 19<sup>th</sup> day of August 2004 and provide this statement to Detective Sergeant Gary CAMPBELL.

Further to that statement I can say that when Gabe returned to the SpoilSport after his first initial dive he stated that the battery was flat in the computer. I can't remember the exact words though and I assumed by computer he was referring to his dive computer on his wrist. I think I said I would have a look to see if we had a battery however I got caught up with other duties and he sorted the problem out himself as far as I know. I am not aware if he sought assistance from anyone else or if anyone else provided assistance to him in relation to the dive computer. In conversation Gabe stated that they had aborted the first dive due to the problem with the dive computer.

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		Witness Justice of the Peace (Qual) Commissioner of Social Services Police Officer

CONTINUED STATEMENT OF: David Bruce LEMSING

I can't remember who if anyone topped up the air tanks of the deceased and her husband between the first and second dive.

In relation to Gabe he did not raise any issue of weights with myself or anyone else to my knowledge.

In relation to the deceased she did state that she was underweight and I pointed out the weights bin to her. I don't know if she took any of the weights or if anyone else assisted her in getting any further weights. I wish to point out that it is common issue for people on their first dive to get their buoyancy correct. It is not unusual for people to add an extra weight or two.

When the alarm was first raised by Gabe with Craig HASTLET I had not been into the water that day-at-any-time.

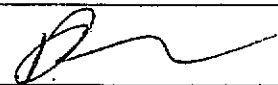

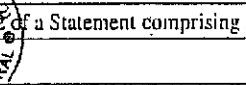
I am not aware, who were the two divers that Craig HASTLET dropped off, just before Gabe surfaced on the second occasion. Where I have referred to the Pro-Dive vessel in my first statement I was referring to the vessel named Adrenalin.

I do not recall bringing the deceased's dive equipment from the Jazz II back to the Spoilsport.

After leaving the Yongala wreck on the 22<sup>nd</sup> day of October 2004 I hand wrote an incident report about the death of Tina.

**I AM NOW ABLE TO PRODUCE THAT DOCUMENT  
TENDERED AND MARKED EXHIBIT NUMBER.....**

I am aware that some commercial divers came out on the Spoilsport that day and after the death of the deceased they returned to the mainland on the Pro Dive vessel named Adrenalin. I do not recall their names with any degree of certainty.

 Witness	 Justice of the Peace (Qual) Commissioner of Decisions	 Police Officer
	THE PEACE (QUALIFIED) This is Page 2 of a Statement comprising 3 Page(s). Reg. No.: 8133 JUSTICE & ATTORNEY-GENERAL	

CONTINUED STATEMENT OF: David Bruce LEMSING

I have not had any communication with any of the passengers from the Spoilsport since the completion of that trip when Tina WATSON died.

David Bruce LEMSING

Oaths Act Declaration


OATHS ACT 1867 (DECLARATION)

.....David Bruce LEMSING..... do solemnly and sincerely declare that:

(1) This written statement by me dated 20/8/2004 and contained in pages numbered 1 to 3 is true to the best of my knowledge and belief; and

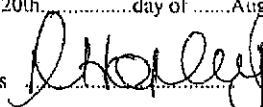
(2) I make this statement knowing that if it were admitted as evidence, I may be liable to prosecution for stating in it anything I know to be false.

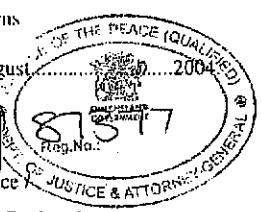
and I make this solemn declaration conscientiously believing the same to be true and virtue of the provisions of the Oaths Act 1867

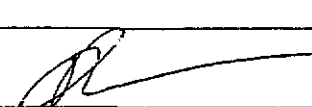
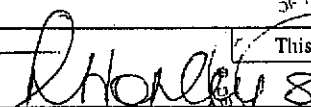
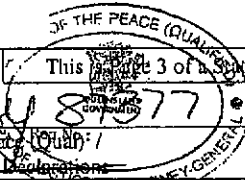
..........Signature

Taken and declared before me at Cairns

this.....20th.....day of.....August.....2004

Witness  87577

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

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

This is page 3 of a statement comprising 3 Page(s).