



QUEENSLAND POLICE SERVICE  
STATEMENT OF WITNESS



Statement No.:		Date:	26/10/2003
----------------	--	-------	------------

Statement of:

Name of witness:	Barton James PAINTER	Date of birth:	13.09.1974	Age:	29
Occupation:	Vessel Master				

Police officer taking statement:

Name of police officer:	G.R.LAWRENCE	Rank:	S/Const	Reg. No.:	10253
Region/ Command/ Division:	Northern / Townsville	Station:	Townsville Water Police		

Barton James PAINTER states:

1. I am a 29yr old single male, I reside 4 Sixth Avenue South Townsville. My contact numbers are 0419966497. Tropical Diving Pty Ltd situated on Palmer Street South Townsville employs me as a vessel master. Tropical Dive has employed me for five months.
2. I am the holder of a current unrestricted Master Class 5 maritime certification and an MED 2 engineering qualification. I have been in working in the marine industry for five years. During that time I have been the vessel master (skipper) of various forms of commercial vessels (sailing and motor).
3. I recall the events of Wednesday the 22<sup>nd</sup> of October 2003. On that day I commenced work as the skipper of the commercial dive vessel "Jazz II" at 6:00am. Jazz II is fibreglass 53 foot Westcoaster diesel powered monohull dive vessel. I started the day by conducting the routine pre-start vessel checks, which included engine room, and general seaworthiness checks of the vessel.
4. About 7:30am that morning I began boarding my passengers onto the vessel at the Townsville Motor boat club. I only boarded a few passengers there were more to collect the remainder at Nelly Bay (Magnetic Island). I departed the Townsville Motor Boat club around 8:00am and proceeded to Nelly Bay. Upon arrival I boarded the remaining passengers. In total I left Nelly Bay for the Yongala wreck with nine (9) divers and five (5) crewmembers. I left Nelly Bay harbor at around 8:30am.

		This is Page 1 of a Statement comprising 6 Page(s).	
		Witness	Police Officer
		 Department of Justice Queensland Justice of the Peace (Qual) Commissioner of Declarations	

2CONTINUED STATEMENT OF: Barton James PAINTER

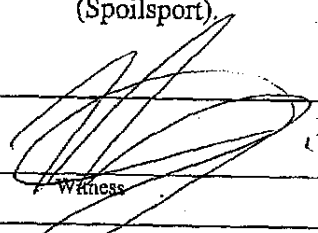
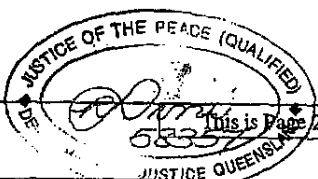
5. We arrived at the Yongala wreck site at around 10:10am. During the passage out to the wreck my crew conducted both vessel and dive safety briefs prior to arriving at the site. I also detailed one of my crew to do an O2 check on the way out. By this I mean I got the crewmember to set up the emergency oxygen bottles and check their operation, they were both found to be functioning correctly with one being at 75% and the other at 100%. The Yongala is an historic shipwreck situated 48 nautical miles East of Townsville. Upon arrival at the site I saw that there was another dive vessel already there. I recognised this vessel to be the commercial dive vessel "Spoilsport", another commercial dive vessel "Adrenalin" arrived at the same site as I was securing to the mooring buoy. I could also that "Spoilsport" had a dive in progress - I could see there deck watch at their station, I could see the 'Alpha' (Internationally recognised dive flag) flying as well as tenders in operation.

6. After securing our vessel to the bow mooring buoy of the Yongala, my crew established the proposed dive sites, set up surface lines and placed extra cylinders at decompression depths on the ascent shot line.

7. At about 10:25am my divers began entering the water, all of my divers left the surface at this time in a group. I only had two passengers who were certified divers; the remainder were on an advanced dive course and were therefore in the company of certified Dive Instructors.

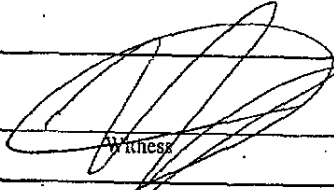

8. Around 10:40am a male diver surfaced obviously in distress, by this I mean he surfaced rapidly and 'popped' out of the water, he immediately began yelling for help. He was saying, "I let her go and she's sunk". This diver was about ten (10) to fifteen (15) metres from the stern of my vessel. (10-15m behind Jazz II).

9. A Mike ball tender was on scene and nearby, this tender collected the male diver who had just surfaced. The tender collected the diver almost immediately after he surfaced, the tender driver requested me to prepare a standby diver, which I did immediately. The tender was in direct radio communication with the Bridge of Mike Ball's vessel (Spoilsport).

		This is Page 2 of a Statement comprising 6 Page(s).	
		Witness	Police Officer
	Justice of the Peace (Qual) / Commissioner of Declarations		

3CONTINUED STATEMENT OF: Barton James PAINTER

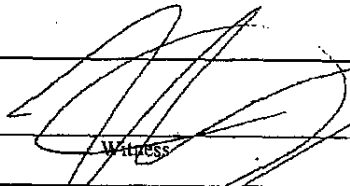
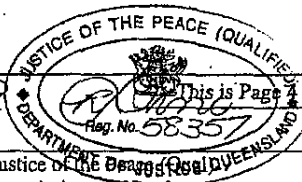
10. Two (2) or three (3) minutes later an apparently unconscious diver surfaced assisted by a male diver. Approximately ten (10) metres off my stern. I then entered the water, as I was not in dive gear it was faster on the surface and because of how close the incident was occurring I could still verbally communicate with my deck watch (standby diver). Once I arrived at the diver in trouble I immediately ordered O2 equipment to be set up on my vessel. The male diver and I swam the diver (who I thought by looking at her that she was definitely unconscious if not already dead – the situation was obviously critical, she was not responding to anything).
11. I immediately assessed the distressed diver. My assessment was based upon the following visual observations. The diver was female, blue eyes, blonde hair, young (late 20's early thirties), she was unconscious, not breathing, excessive mucus and bile around her mouth and nose, her eyes were half open and non responsive, her facial colour was blue / grey and her body limp.
12. As soon as I arrived at the two divers I saw that the male diver was about to start 'in water assisted breathing', by this I mean the mask was off and the regulator was out of the stricken divers' mouth. We immediately swam the diver to JAZZ II. This only took about thirty: (30) seconds – no more than one (1) minute.
13. As soon as we got to the stern of JAZZ II we (we being some of my crew and some of Mike Balls' crew) lifted the distressed diver onto the vessels' Marlin board (a dive platform on the waterline at the stern of the vessel) and then removed her SCUBA equipment. She was then moved up onto the main deck to commence EAR and CPR immediately.
14. The operator of the Mike Ball tender was still in good radio communication with his bridge, I told him "this is serious, we are going to need helicopter evacuation". He then left and returned to Spoilsport.
15. We (my remaining crew and I) had been working on the distressed diver for only about five (5) minutes with O2 assisted EAR and CPR when another Mike Ball tender returned

		This is Page 3 of a Statement comprising 6 Page(s).
	Justice of the Peace (Qualified) Commissioner of Declarations	Police Officer

4CONTINUED STATEMENT OF: Barton James PAINTER

from Spoilsport with a Doctor further medical equipment and more staff to assist with resuscitation.

16. On assessing my deck I was satisfied with the method of communication to Mike Ball's bridge to be able to effectively communicate the emergency to land based medical facility. A Mike Ball crewmember was already logging the events of the incident as they occurred. I then mounted a radio watch to communicate with Spoilsport and assisted with the resuscitation efforts and control of my deck. I maintained radio contact with Spoilsport throughout to ensure the correctness of the flow of information.
17. The Doctor continued the relay of messages to land based medical assistance as well as overseeing the resuscitation process. Resuscitation had been going for about twenty-five; (25) minutes by this time. It was about 11:15am by now. At this time I requested Spoilsports' tender to move my surfacing divers away from the scene of the emergency except for another passenger who I knew to be a medical Doctor.
18. While resuscitation continued the two doctors on board and a land based Doctor via radio conversed, they unanimously agreed that resuscitation attempts were by now not effective and declared the diver to be deceased. All resuscitation efforts were then ceased at the direction of the two Doctors on board. The time now was approximately 11:40am.
19. My crew and I then began packing away the medical equipment and refurbishing the first aid kits. I then went to the bridge of Spoilsport and held a meeting with the master of Spoilsport. I offered whatever assistance I could to him regarding his passengers and the body. We discussed our options as the return of the body and the best was to inform and stabilise our passengers and crew.
20. I then informed my passengers of the situation and returned to JAZZ II to assist in preparing the body for the arrival of the husband, this included ensuring that my main deck and the deceased was as presentable as possible. During the grieving process both vessels stood by for instructions from Water Police as to removing the deceased. The husband boarded JAZZ II with the Doctor and viewed his wife - I had cleared the deck of

		This is Page 4 of a Statement comprising 6 Page(s).
	Witness	Justice of the Peace Commissioner of Declarations

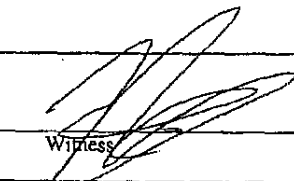
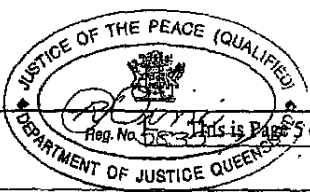
State v. Watson  
003507

**5CONTINUED STATEMENT OF: Barton James PAINTER**

all persons and related resuscitation equipment. After viewing his wife the husband and the doctor returned to Spoilsport.

21. Upon receiving the all clear from the Water Police I made ready for the passage back to Townsville. I accounted for all of my passengers and crew, and departed the mooring at about 1:15pm. I was aware that Spoilsport was in the process of doing the same but I left before they got under way.
22. Upon our return to Townsville we were meet by Water Police. I provided all the information in relation to my crew and passengers including the extent of each person's involvement. A number of my passengers then accompanied Police to the Townsville Police station to provide statements. I continued with my duties of shutting JAZZ II down and completing vessel related functions.
- 
23. Water Police told me that they would be in contact to obtain a statement. On Sunday the 26<sup>th</sup> of October 2003 I attended the Townsville Police station and provide this statement to Senior Constable Glenn LAWRENCE of the Townsville Water Police.
24. I believe that the surface crews and persons assisting acted extremely professionally throughout this incident. I also believe that everything that could've been done was done to save this person's life.
25. I have not had any further dealings with this matter.

  
Barton James PAINTER

		This is Page 5 of a Statement comprising 6 Page(s).
	Justice of the Peace (Qual) / Commissioner of Declarations	Police Officer

State v. Watson  
003508