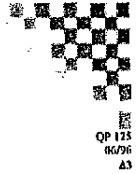




QUEENSLAND POLICE SERVICE
STATEMENT OF WITNESS



Statement No.:	One	Date:	22.10.2003
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Statement of:

Name of witness:	Gary David STEMLER	Date of birth:	5.5.1958	Age:	45
Occupation:	Engineer				

Police officer taking statement:

Name of police officer:	Ian TAYLOR	Rank:	PCSC	Reg. No.:	9622
Region/Command/Division:	NORTHERN	Station:	TOWNSVILLE JAB		

Statement commenced at the JAB office, Townsville 22/10/2003 @ 22:52 hrs.

I Gary STEMLER State,

1. I reside at 221 Altura Vista, Los Gatos California 95032. My email address is GSTEMP@COMCAST.NET.
2. My home number is 4088664279.
3. I am employed as an engineer.
4. I have an advanced open water divers certificate through PADI. I have done about 80 dives.
5. I recall the 21st day of October 2003.
6. At about 7:00pm or so I got on board the Spoilsport dive vessel with my wife. There were another 21 or so other divers and about 12 crew.
7. We had a general briefing and filled out some paperwork. We also had to produce our diver certification card and proof of evacuation insurance.

 Witness	 Justice of the Peace Commissioner of Declarations	This is Page 1 of a Statement comprising 4 Page(s). 7331	Police Officer
		REASONER FOR DECLARATION	

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8. Last night we also had introductions with other divers and crew staff. 'Wade' was the trip director and introduced everyone as well as the two honeymoon couples. I now know the deceased diver as Tina and her husband as Gabe. Upon reviewing the forms and the fact it had been 12 months since our last dive, Wade advised we needed to do an orientation dive.

9. My wife and I went to bed shortly after the meeting.

10. We were heading to the Yongala dive site. I think we got there at about 1:00am or thereabouts.

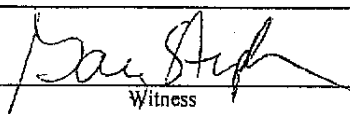
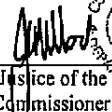
11. I recall events of the 22nd day of October 2003. I woke up at about 6:00am.

12. My wife and I had breakfast and about 8:30am and after that we had some dive briefings given by 'Wade'. That was a combination of dive and safety information. He also spoke about the agenda for the whole day.

13. There were going to be two groups of persons for orientation dives. My wife and I went with 'wade', while three others went with Simon.

14. I overheard that Tina and Gabe were going to do an orientation dive that night.

15. My wife and I were the last to do our dive. We boarded the rubber raft. Once we got on the raft Claudia and Wade were there to assist us. Claudia was introduced as a Mike BALL volunteer. There were two other passengers. I think they were Tina and Gabe but can't be 100 percent sure of that. They were going to dive separately but came with us on the same boat.

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CONTINUED STATEMENT OF: Gary David STEMLER

16. We headed over to the bouy connected to the bow of the wreck.

17. We all entered the water. Wade was assisting my wife Dawn. I was handed my camera by the person driving the boat.

18. As I was going down the rope I was also trying to set up my camera. The visibility today was about 40 feet. The dive briefing said it was a strong current. I don't recall the current on the way down as we were holding onto the rope. Then we were shielded by the wreck. I recall that once we got back above the wreck I noticed the current.

19. When I got to the bottom, Wade was helping Dawn with her buoyancy.

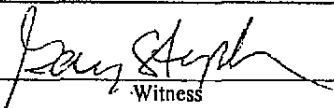
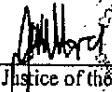
20. I was taking some pictures. I was at about 80 feet. I took a picture of Dawn coming down. Later today at about 5:00pm I was reviewing the pictures and discovered that I had captured a diver lying face down in the background.

21. I noticed some one lying face down on the bottom of the seabed. The person was about 20 to 25 feet away from the wreck.

22. A few seconds later I looked back as I noticed that the person did not move.

23. At that moment I thought something was strange and at about the same time I saw Wade swim toward the person.

24. I observed Wade pick up the person, drop a weight belt and swim to the surface. As he was going up he was holding her around her upper body.

 Witness	 Justice of the Peace (Qual) / Commissioner of Declarations	<p>This is Page 3 of a Statement comprising 4 Page(s).</p> <p>7433</p>	Police Officer
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CONTINUED STATEMENT OF: Gary David STEMLER

25. I have since discovered that the picture described above was taken at 10:42am.

26. The three of us were unsure as to abort or continue the dive. We did continue with the dive. The dive was 25 minutes in duration.

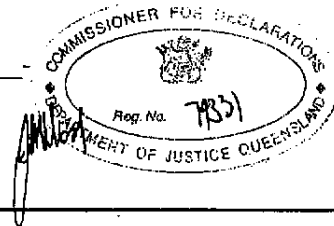
27. We came to the surface and boarded the back of the Spoilspout.

28. I don't know what happened to the diver until the whole group was informed about what had happened. That was between 1:00pm and 2:00pm.

29. My wife and I had lunch and we headed back to shore.

30. I have since given copies of photographs that I took to the Townsville Police.

Gary Stempler
Gary STEMLER



OATHS ACT 1867 (DECLARATION)

I, Gary Stempler do solemnly and sincerely declare that:

- (1) This written statement by me dated 22/10/2003 and contained in pages numbered 1 to 4 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

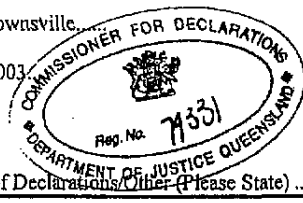
Gary Stempler Signature

Taken and declared before me at ...Townsville,

this...22nd...day of ...October.....2003

Witness *[Signature]*

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



<u><i>Gary Stempler</i></u> Witness	<u><i>[Signature]</i></u> Justice of the Peace (Qual) / Commissioner of Declarations	This is Page 4 of a Statement comprising 4 Page(s). <u>71331</u> Police Officer
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