



QUEENSLAND POLICE SERVICE
STATEMENT OF WITNESS

QP 0125
01/06
014

Occurrence #: _____

Statement no.: _____

Date: 21/04/2012

Statement of

Name of witness: McHUGH, Toni Cheri

Date of birth: 05/02/1971 Age: 41 Occupation: Property Manager

Police officer taking statement

Name: PEARCE, Luke

Rank: Plain Clothes Senior Constable Reg. no.: 18792

Region/Command/Division: Metropolitan North Region Station: Indooroopilly Criminal Investigation Branch

Statement:

Toni Cheri McHUGH states:

1. My full name is Toni Cheri McHUGH.
2. I am presently 41 years of age. My place of birth is Sutherland Shire in Sydney. My current marital status is single however I have previously been in a defacto relationship with Robert James MACKAY-WOOD (dob [REDACTED]). I had been in a relationship with Robert for around 17 years and had two sons together, Thomas John McHUGH-MACKAY (dob [REDACTED]) and Lachlan James McHUGH-MACKAY (dob [REDACTED]). We ceased this relationship amicably on the 12th of November 2008.
3. Robert and I had resided at [REDACTED] prior to our separation in 2008. At the time of this separation I relocated with my sons to unit [REDACTED] of [REDACTED]. I am currently residing at this address as a tenant with my two sons. I have provided police with a floor plan of my unit which I have drawn and provided to Plain Clothes Senior Constable Luke PEARCE.
4. I am the registered owner of a 2009 Blue Lexus Sedan bearing Queensland Registration [REDACTED]. I have owned this vehicle for the past two and a half years. Prior to this I was the registered owner of a Black Holden Captiva bearing Queensland Registration [REDACTED].


(Witness's signature)

(Justice of the Peace (Qual.)/
Commissioner for Declarations's signature)


(Signature of police officer
preparing statement)

CONTINUED STATEMENT OF: McHUGH, Toni Cheri

5. I am presently employed with Blocksidge and Ferguson, a real estate company located in Adelaide Street Brisbane City. I am employed as a Full Time Property Manager. I have been employed with this company since the 13th of April 2012.
6. Prior to this I was employed with Ray White Toowong as a business development manager for the period of three months.
7. My current mobile phone number is [REDACTED]. This number is subscribed with the telecommunications carrier [REDACTED]. This phone number is subscribed in my name. I utilise this number for both work and personal use and have done so since 2008.
8. My email address is [REDACTED] and [REDACTED].
9. My next kin of kin is my Mother, Joan Irene McHUGH (dob [REDACTED]) and she resides at [REDACTED]. Her contact number is [REDACTED].
10. I recall that in either 2005 or 2006 I owned a property at [REDACTED] [REDACTED] with Robert which we listed for Sale through Century 21 Westside. During the sale of this property I met Gerard Robert BADEN-CLAY (dob 09/09/70) who at the time was our property consultant and also the Principal of Century 21 Westside.
11. I would describe Gerard as being around six foot, Caucasian appearance, brown short hair, hazel eyes and of an average build.
12. In April 2007 I commenced employment with Century 21 Westside as a Full Time Property Consultant after making an application for employment with the business. This business was located at 2105 Moggill Road Kenmore. My duties on a daily basis would include listing properties for sale, selling properties, generating contracts of sale and arranging house inspections. Gerard was at this time the Principal of this business.
13. During the course of my employment I developed and maintained a professional working relationship with Gerard. However, in August of 2008 Gerard and I developed a personal relationship together which had established over a period of time.

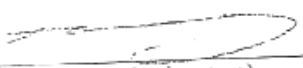

(Witness's signature)

(Justice of the Peace (Qual.)/
Commissioner for Declarations's signature)


(Signature of police officer
preparing statement)

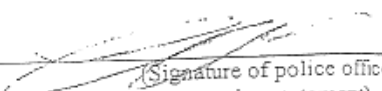
CONTINUED STATEMENT OF: McHUGH, Toni Cheri

14. As a result of Gerard's and I relationship, I ceased my relationship with Robert on the 12th of November 2008.
15. I was aware that Gerard was in another relationship during this time and was married to Allison BADEN-CLAY which they had three daughters together Hannah, Sarah and Ella. I knew that Gerard and Allison resided together with their children at Brookfield Road Brookfield. I am unsure of the exact house number.
16. I am able to describe their house as being a light Blue timber house, high set single storey dwelling with a carport beneath. The house was set back approximately 30 metres from Brookfield Road.
17. I have only met Allison on several occasions in a business context. I would describe Allison as being approximately five foot six inch, slim build and of Caucasian appearance with long fair hair.
18. Gerard and I maintained a private intimate relationship for approximately three and half years which commenced in August of 2008 and ended abruptly around the 14th of October 2011. During this time Gerard and I had made every attempt to keep this relationship private and not known to his wife, Allison or any of our work colleagues. However, over time Gerard and I had spoken with to the three directors of the business and advised them of our relationship. This was as a result of their growing suspicions into Gerard and I relationship.
19. Throughout our relationship Gerard and I would often communicate via telephone and emails and regularly spent time together. I would contact Gerard on his personal mobile 0400 456 100. I have only attended Gerard's house at Brookfield on two occasions whilst Allison and his daughters were not home and would say that this occurred a few years ago.
20. Gerard rarely spoke to me about Allison or their relationship, however I recall that when I commenced employment with Century 21 Westside, Gerard had spoken to myself and other colleagues about Allison. I recall Gerard stating that he would often have to leave the office at short notice to tend to his wife who had been suffering from bouts of depression.
21. Gerard would often tell me that he cared for Allison and was concerned for her welfare and implied that her depression was the reason why we couldn't



(Witness's signature)


(Justice of the Peace (Qual.)/
Commissioner for Declarations's signature)



(Signature of police officer
preparing statement)

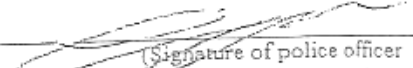
CONTINUED STATEMENT OF: McHUGH, Toni Cheri

- be together. I recall Gerard telling me that Allison had developed something whilst travelling overseas that required medication. He stated that the side effect of this medication was depression.
22. I recall that on the 14th of October 2011 Gerard met me at my apartment as he stated that he wished to discuss our relationship. He advised me that Allison was aware of their relationship and that she been told by someone at the school canteen. Gerard then told me that our relationship had to end.
23. I was upset that our relationship had ended, however ceased all contact with Gerard. As a result I also ceased my employment with Century 21 Westside.
24. I would often make attempts to contact Gerard via phone and email to which he did not reply or respond. I was beginning to realise that our relationship was over.
25. At no time had Allison ever made any attempt to contact me and I never made any attempt to contact her. The last time I saw Allison would have been several months ago when I saw her pulling into a car park on Moggill Road Chapel Hill. I recall seeing her in a vehicle dropping her daughters off at Brumbys bakery. I only caught a glimpse of her from a distance.
26. In February of 2012 I had started to contact Gerard regularly via phone. I recall these conversations were to touch base and to see how I was going with work. I would say that I would have contacted Gerard via phone several times a week.
27. I recall that during one of these conversations with Gerard he stated to me that he would 'one day come to me unconditionally'. As I had told him that I did not want to continue having an intimate relationship with him under the circumstances of him being with his wife. He wanted to honour his agreement. He felt the same as I.
28. These conversations would then lead to discussions about our future together. Gerard had told me during a conversation that we had in March 2012 that he thought Allison was aware of his intentions to leave her, however did not elaborate any further.
29. I recall that on Thursday the 19th of April 2012 between 5pm and 5.30pm I phoned Gerard and had a conversation with him. During this conversation



(Witness's signature)


(Justice of the Peace (Qual.)
Commissioner for Declarations's signature)



(Signature of police officer
preparing statement)

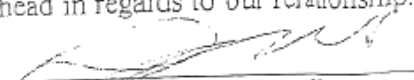
CONTINUED STATEMENT OF: McHUGH, Toni Cheri

- he stated that he was going to the supermarket to get some food to drop off to his daughters at his parents address. I could hear that he was driving.
30. During this conversation I told Gerard about my day and told him that I was upset with my job. The phone later cut out whilst Gerard was purchasing some sausages.
31. I then called Gerard back at which time he told me that he was going to his parents place at Durness Street Kenmore. I had asked Gerard how his day was to which he replied that he had taken his girls to cross-country earlier in the day. I then spoke about my boys doing cross country.
32. Our conversation then turned to his business where he stated that he had a property at Woodfield Road Pullenvale that he was desperate to sell. I heard him arrive at his parents' place at which point he was told that his daughters were in the pool. I could hear him speaking to someone in the background.
33. I then spoke to Gerard about a conference which I was attending the following day on Friday the 20th of April. This conference was a Property Management Conference which was to be held at the Brisbane Convention Centre commencing at 8.45am.
34. I had told Gerard that I was looking forward to attending it. Gerard then told me that Allison would also be attending that conference with Kate RANKIN. I stated to Gerard 'when were you going to tell me that? You knew I was going to attend this conference all week'. Gerard stated that he had only just found out that Kate had booked it without his knowledge.
35. I then became very upset after hearing this and I basically told Gerard that I felt sick. Gerard told me that he was sorry. I then asked him if Allison knew that I was attending the conference to which he replied no.
36. I then questioned Gerard if Allison was going to remain working within his business once he had separated from her and continued his relationship with me. He stated that he was likely to be selling the business. I questioned Gerard as to whether Allison was aware of this to which he replied she did not know.
37. I suggested that Gerard should tell Allison that I was attending the conference. I then asked to meet with Gerard in an attempt to understand and discuss what was going through his head in regards to our relationship.



(Witness's signature)

(Justice of the Peace (Qual.)/
Commissioner for Declarations's signature)



(Signature of police officer
preparing statement)

CONTINUED STATEMENT OF: McHUGH, Toni Cheri

Gerard did not respond to this. I then heard Gerard's daughter speaking to him at which point I told him I would call him the next day.

38. The following day I attended the Property Management Conference at the Brisbane Convention Centre at about 8.30 am. I arrived alone in my vehicle and later met up with a work colleague. I did not see either Allison or Kate RANKIN at the conference.
39. At about 1.50pm I phoned Gerard and noticed that he sounded very devastated. He then said 'Allison had gone missing'. I replied 'What?'. Gerard then said 'she went for a walk and didn't come back'. I said 'Where are you now?'. He replied 'I'm at home now, the police are here searching the place for clues'.
40. Gerard has then said 'Its not a good idea for us to talk'. I could hear how distraught he was and that he appeared to want Allison to return. I took this to mean that if Allison was to return safely this may have shocked him into ending our relationship again for the sake of the girls and Allison.
41. I then told him that I loved him and I hung up the phone.
42. I later left the conference at about 3pm and returned home. A short time later my boys came home at which point I told them that I was sick and I went to bed.
43. At about 12.26am on the 21st of April 2012 I received a text message from my friend Rebecca CORNISH saying 'Hey Toni! I know its late but a friend just shared a link on facebook about police are searching for Allison Baden-clay. Isn't that G's wife? Hope I haven't woken you. Sorry if I did. Bek xo'
44. I replied 'yes it is. I didn't know what the latest was. Im extremely worried.'
45. She then replied to me 'Shit Toni, too weird! I just got woken up by leo & happened to check facebook while I was up & nearly choked when I saw her name. Fingers crossed she's found safe & sound. Try to get some sleep, I'll talk to u tomorrow xo'.
46. I later woke up this morning at about 7.30am and spoke with my sons about what they wanted to do today.


(Witness's signature)

(Justice of the Peace (Qual.)/
Commissioner for Declarations's signature)

(Signature of police officer
preparing statement)

CONTINUED STATEMENT OF: McHUGH, Toni Cheri

- 47. I then received a phone call from Gerard at about 9.30 am this morning. Gerard stated that police will want to speak with me today and stated that police have feared the worst and that Allison had met with foul play. He also mentioned that the police were aware of our affair.
- 48. I then asked him what I should do to which he replied I should tell the truth.
- 49. A short time later Plain Clothes Senior Constable Luke PEARCE attended my address and requested that I attend the Indooroopilly Police Station to discuss this matter.
- 50. I later attended the Indooroopilly Police Station and provided this statement to Plain Clothes Senior Constable Luke PEARCE.


 Toni Cheri McHUGH

Justices Act Acknowledgement

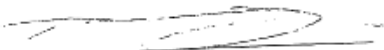
Justices Act 1886

I acknowledge by virtue of section 110A(6C)(c) of the Justices Act 1886 that:

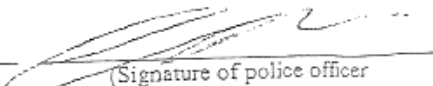
- (1) This written statement by me dated 21st of April 2012 and contained in the pages numbered 1 to 7 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

.....Signature

Signed at Brisbane this 21st day of April 2012


 (Witness's signature)

(Justice of the Peace (Qual.)/
 Commissioner for Declarations's signature)


 (Signature of police officer
 preparing statement)