



QUEENSLAND POLICE SERVICE
STATEMENT OF WITNESS

517
QP 0125
01/06
11

Occurrence no.: _____

Statement no.: _____ Date: 26/05/2012

Statement of:

Name of witness: MCHUGH, Toni Cheri

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

Police officer taking statement:

Name of police officer: SCHMIDT, Christy

Rank: Detective Senior Constable Reg. no.: 7836

Region/Command/Division: State Crime Operations Command Station: Homicide Investigation Unit

Statement:

ADDENDUM STATEMENT

Toni Cheri McHUGH states:-

1. On Thursday the 24th of May 2012, Detective Sergeant Peter RODDICK and Detective Senior Constable Christy SCHMIDT came to my unit at Unit 19, 36 Jerdanefield Street, St Lucia and spoke with me for about half an hour.
2. On Friday the 25th of May 2012, Detective Senior Constable Christy SCHMIDT phoned me on my mobile, number ~~0755 1234~~ and we made an arrangement for me to attend the Indooroopilly Police Station at 12pm on Saturday the 26th of May 2012.
3. On Saturday the 26th of May 2012, I attended to the Indooroopilly Police Station and met with Detective Senior Constable Christy SCHMIDT. We went through my three previous statements.
4. In relation to my statement dated the 21st of April 2012, I can expand on the following:-


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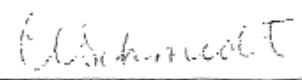
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CONTINUED STATEMENT OF: MCHUGH, Toni Cheri

5. In relation to Paragraph 12, I looked at the Century 21 website. I found a careers page within that site and submitted an application for a position at the Century 21 office in Kenmore. I think that it was about a week later that I received a telephone call from Elaine Baden-Clay. I was interviewed for a sales position by Gerard. I thought about taking a position at Century 21 before accepting a job offer. Elaine Baden-Clay was the receptionist at Century 21 at the time. Elaine and Nigel Baden-Clay were also part owners of the business at the time. I think that they probably owned two thirds of the business and Gerard owned the remaining third. Nigel was working as a salesman.
6. Other employees at Century 21 at the time were Anne-Louise Savage, Phil Broom, John Webb, and myself. It was only a small team at that time. The office was also much smaller in space than the Taringa site that we later relocated too. Century 21 was working with both sales and property management. The property manager was Rochelle. She was only there for a short time when I started. She left and I took over the property management arm of the business for about 8 weeks. The rent role was then sold to Harcourts at Kenmore. The business could then just concentrate on sales. As far as I was aware, financially the business was going well. I wasn't aware of the full financial state of the business though.
7. In the first year of my employment with Century 21 Gerard would generally open the business at about 8.30am between Monday and Saturday each week. Gerard would finish for the day at about 5.15pm because he had an arrangement to meet Allison and the kids at 5.30pm each day. I know that this all changed when the new directors, Jocelyn Frost and Phil Broom, came along because they couldn't understand how this arrangement could take priority over business appointments. The 5.30pm appointment was "couch time". Gerard explained that this was time for the family to be together so that the kids could see the parents sitting close to each other.
8. Elaine and Nigel Baden-Clay did not relocate with the business to Taringa. Elaine retired towards the end of 2009 while Nigel left sometime later, perhaps around the end of October 2010. Elaine and Nigel sold their shares in the business. Jocelyn Frost and Phil Broom, along with Ben Bassingthwaighte bought into the business. Ben must have come in early 2010 and set up a new rent role for the business. It might have even been 2009. I think Ben was with the business for a couple of years.

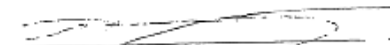

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CONTINUED STATEMENT OF: MCHUGH, Toni Cheri

9. When Elaine and Nigel Baden-Clay were at the business, it was Gerard who managed the business and made the business decisions. I got on very well with Elaine and Nigel Baden-Clay. I don't believe that they had any knowledge of the relationship that was growing between Gerard and I.
10. In relation to paragraph 13, we were friends, I was doing well at my job, and I saw him as a mentor through his sales role. For me, when I first started working with Gerard, there was definitely chemistry for me. I admired him and I was attracted to him. I don't know how he felt. I started in the April of 2007, and it wasn't until the August of 2008, that our relationship changed. He asked me to kiss him. I did.
11. In relation to paragraph 15, when I have referred to Gerard being in a relationship and being married to Allison Baden-Clay, I am referring to the fact that the relationship was his marriage to Allison Baden-Clay.
12. In relation to paragraph 17, I had met Allison at a handful of social gatherings, both prior to Gerard and I commencing our relationship and after. She had been to my house in Bellbowrie for a staff luncheon. We both attended a fellow staff member's (John Bradley) engagement party and another staff member's (Phil Broom) wife's birthday party. It would have only been at my house at Bellbowrie and the birthday party, that my boy's, Tom and Lachie would have met Allison.
13. In relation to paragraph 18, my work colleagues at Century 21 Westside were, Sales People - Sharon Phillips, John Bradley, Mitchell Sullivan, Sean Thompson, Sally Howe, Jodi Meynel, Ben Wayne, Ben Markwell and there were a few people who were there for 6 to 8 weeks but I can't remember their names and in Administration, Terry Clark, Liz Scully, James Billing and Kate Rankin in property management. The directors were, Gerard Baden-Clay, Jocelyn Frost, Phil Broom and Ben Bassingthwaigthe. When the new directors came on board Gerard's hours would roughly remain the same however once he had put the kids to bed he would return to the office. This was an opportunity for Gerard and I to get together when I did not have my boys.
14. I was never given preferential treatment in anyway including with properties listed for sale. In relation to the disintegration of the partnership I was told two sides of the story. One from Jocelyn


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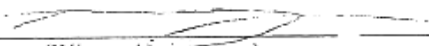
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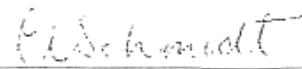
CONTINUED STATEMENT OF: MCHUGH, Toni Cheri

Frost and one from Gerard. Trust had been broken. The other directors, Phil Broom and Ben Bassingthwaigthe didn't elaborate or confide in me. The Directors, Jocelyn, Gerard and Phil questioned each others capabilities and performance and for all but Gerard it was easy to be bought out of the business and walk away.

15. Gerard wanted so desperately to keep his dream alive, he borrowed money and had his close friends, I don't know their last names, Stuart, Peter and Rob Cheesman, buy into the business and this allowed Jocelyn, Phil and Ben to leave. I was also told by Jocelyn Frost that Gerard borrowed money from Charles Tarbey. Charles Tarbey is the owner of Century 21 in Australia. I don't know how much money Gerard borrowed from his friends or Charles Tarbey.
16. I have no awareness of Gerard's current financial status but I presume it might be dire. I don't believe his business has improved over the past few months. I believe that Gerard may be in debt to the tune of \$300,000, possibly even \$500,000. Gerard told me that about four or five months ago. Gerard told me that he couldn't use some of his credit cards because they were maxed out.
17. Gerard indicated to me when he promised to sort out his financial affairs. Ben Bassingthwaigthe had left the business, saving Gerard about \$70,000 - \$90,000 per annum. Gerard also told me that the rent role was profitable and he was in the process of reducing his overheads. Gerard also mentioned to me on the night of Thursday the 19th of April 2012 that he was thinking of selling the business. I did ask him what he was going to do first, leave the marriage or sell the business. Gerard told me that he would be leaving the marriage first.
18. I am aware that Gerard owes Jocelyn Frost quite a lot of money. There is some caveat on the rent role because Jocelyn Frost and Ben Bassingthwaigthe still have some role in the rent role side of the business where Gerard has to pay them a sum each month.
19. I did not talk to Gerard about financial things. The time we were together I wanted them to be special. We did not talk about money. I trusted that he knew more about business than I did. I believe that Gerard took a large amount of risk. To me the business was doomed at the beginning of 2011, around the same week of the Brisbane floods. Gerard told me at that time that the business


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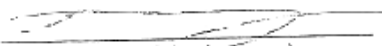
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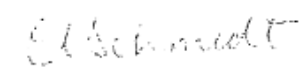
CONTINUED STATEMENT OF: MCHUGH, Toni Cheri

was about \$250,000 in debt. I got paid on a commission basis only so I only got paid when I sold a property. The amount of commission I got depended on a number of factors including things like vendor paid advertising. I normally got about 57% of the fees charged. I am aware that other sales people in the business were on retainers and taking home about \$600 a week because of those retainers.

20. Gerard was generous with buying items for other people. He never spent money on himself. One year Gerard bought me a camera. Gerard also bought himself a camera at the same time. Gerard didn't spend money on clothes. He certainly didn't spend money on his house, which I would describe as a very depressing house. There was no sense of home décor or styling about the house. Gerard would take staff from the business out to lunch and pay for the lunch.
21. Gerard never discussed insurances with me. I was never aware of a liability insurance policy for the business but every agency does have to have a public liability insurance policy. I am aware that Nigel was previously a life insurance salesman because Nigel told me that. Nigel also told me that he was a former game warden in Africa. Nigel never tried to sell me a life insurance policy but did recommend that I take out a life insurance policy.
22. In relation to paragraph 20, Gerard did not talk often about Allison. Gerard did talk about Allison's depression and the impact that this had on the parenting of his children. I guess he was talking about her consistency with respect to setting boundaries and routines. Gerard told me that he put the kids to bed, got them up and ready for school. In a lot of ways Gerard did defend Allison. I never heard him criticise her. He would criticise her parenting for the lack of consistency as I have described. Gerard also did not express admiration or a depth of feeling for Allison. Gerard told me that he did not love Allison and they had not slept together for many years. Gerard told me that he slept most nights on the couch in the living room. Gerard did at time express concerns to me that if he left Allison he was concerned she would commit suicide. He did not explain to me why he thought that.
23. I am aware that Gerard suffered from sleep apnoea. When I have spent nights with him I have observed that he snored. I am also aware that he had a breathing mask to assist with the sleep apnoea. I have never seen him use the equipment though.



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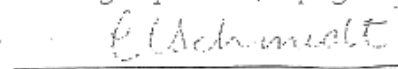

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CONTINUED STATEMENT OF: MCHUGH, Toni Cheri

24. I have been to Gerard's house on Brookfield Road, Brookfield on two occasions. This was at the start of the relationship years ago. I never felt comfortable about going there. On both occasions Allison and the children were not at home. I think they were down the coast with Allison's parents. I don't remember the number in Brookfield Road where Gerard lived. I have not seen the sleep apnoea equipment when I have visited his house. The first time I went to the house we slept in the spare room. I stayed the entire night on that occasion. The second time we pulled a mattress out into the lounge. I did not stay the night on this occasion as Gerard was not well. I did not see any bedding, sheets or blankets to indicate to me that he did sleep on the couch. This, however, did not appear to be unusual. Gerard would not have wanted the girls to know. At least this is how I justified that to myself. I never went into the master bedroom when I went to his house on those two occasions.
25. I cannot recall whether or not I went in Gerard's car or in my car to his house on both occasions. I remember that on both occasions I went along Brookfield Road to get to his house. I remember that on the night I did not stay I took my own car because I left at about 11.00pm and went back to my place. At that time I was still driving the same vehicle I have now, my Lexus sedan.
26. In relation to paragraph 22, I confronted Phil Broom by phone the day that Gerard ended our relationship as I needed to know how Allison had found out about my relationship with Gerard. Gerard had told me that someone at the school canteen had told Allison's friend who then told Allison. I don't know who Allison's friend is. Phil did admit that he had disclosed information about Gerard's and my relationship to Jeff Lock. Jeff Lock was a past client of Century 21, specifically Phil's client and he became a close friend of Phil's after the sale of Jeff's property. Phil and Gerard were not on good speaking terms after Phil departed from the business and took with him another sales person, John Bradley.
27. In relation to paragraph 25, one of the only times that Allison and I was confronted by each other, was at the Indooroopilly Workout Gym at 138 Witton Road, Indooroopilly. This encounter occurred about two weeks after Gerard and I broke up. I was with a Personal Trainer in conversation and Allison was at the counter with her smallest child, Ella. Nothing was said, we just looked at one another, I froze and tried to continue the conversation with the trainer as long as possible, hoping she


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would leave. We then both sent abusive text messages to Gerard within minutes of each other. I know this as Gerard told me. I may have used the term that Allison was a lady of leisure in the text message. I cannot recall the rest of what I said. That may have been all I actually said. I don't know what Allison said to Gerard in her message. Gerard never showed me or told me what she had said, just that she had sent him an abusive text message.

28. In relation to paragraph 26, the phone calls were voice calls. We didn't text at that time. We also communicated via the bruceoverland@yahoo.com account. I referred to Gerard as "GM". "GM" stood for Gorgeous Man. Gerard referred to me as "GG", which stood for Gorgeous Girl. He also used the acronym of "IKYK" in our emails. This stood for "I Know You Know". This is an acronym that Gerard and I exclusively use.

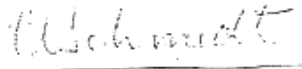
29. In relation paragraph 35, I felt sick because I hadn't been confronted by Allison previously.

30. In relation to paragraph 37, I had not seen Gerard in person for approximately three weeks prior to the Thursday the 19th of April 2012. I wanted to meet with Gerard to have a better understanding of how he felt it was achievable for us to be together. This meeting never took place. The last time I physically saw Gerard was three weeks before Allison disappeared.

31. As I have previously mentioned in paragraph 47, I spoke to Gerard on Saturday the 21st of April 2012. I don't know where Gerard was calling me from. I got quite frightened by what was happening. I asked him what I should do about it. Gerard told me that I should tell the truth and that the police were aware of the affair. I was at home and did not carry the conversation on because I had my boys in the room next to where I was having this conversation. I then made arrangements for my boys for when the police did come around. Normally when Gerard called me his number would come up on the caller identification on my Apple iPhone. When Gerard rang me on that day, his number did not come up on the phone. The phone showed me that the call was coming from a blocked number. I think he called me from a pay phone because I have a feeling or recollection that he did not have his phone because it had been confiscated by the police.


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CONTINUED STATEMENT OF: MCHUGH, Toni Cheri

32. Gerard has since rung me at work on the landline 3233 3988 from I think a payphone about two weeks ago. The number came up blocked and I could hear background noise. I recognised Gerard's voice straight away. He said, "I love you, I don't know what's gone wrong here, I know you haven't done anything as you must know in your heart that I haven't done anything." I said, "I know and I know you can't talk to me or anyone as that was the advice given to you by your lawyer." He said, "That's right." I asked him, "How are you coping?" He said, "Not well." I asked after the girls and there was silence. I said to him, "I guess the next I see you will be in court." He just said, "No. No." I said, "I love you and stay strong." That was it. He had rung me at work. It wasn't private. Our conversation was very quick.

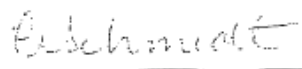
33. I have been asked how many calls I received from Gerard from a payphone about this time. My recollection is that I only received one telephone call. There may have been two calls that I have in my memory merged into one call. I am in and out of my office as part of my core responsibilities. I never received any messages that Gerard had rung for me on the off chance I was not there when one of these calls was received.

34. Gerard rang me on Sunday the 27th of May 2012. It was late. It would have been in the evening because it was dark outside. The call came from an unknown number. I answered. I recognised Gerard's voice immediately. The conversation did not go well. When I answered the phone, Gerard said, "It's me". I think I went straight into, "I know what you've been doing. How could you do that to me?" Gerard admitted that he had been in a relationship with Jackie Crane and another woman. Gerard referred back to a conversation that occurred in November 2011 where he said to me that he needed to sit down with me and be honest with me. Gerard then said that he didn't want to talk to me about this on the phone and wanted to see me to explain. Gerard stated that it would not be possible for a while. I basically asked him why I should give him any time to explain. Gerard agreed that he shouldn't have any time to explain. Gerard then told me that he loved me. He again said that he did not know what went wrong there and that he believed that the police would find the killer and bring them to justice. Gerard told me that he would ring me at work the next day. On Monday the 28th of May 2012 Gerard did not call me.

35. I have been to a few Real Estate Conferences in Sydney over the last few years. I can't remember the exact dates, the most recent was Tasmania which took four days and that was the Annual


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CONTINUED STATEMENT OF: MCHUGH, Toni Cheri

Century 21 Conference. The other significant Conference was ARIC, I don't know what it stands for, was held in Sydney. Gerard attended the Conference and I went and stayed with him for the 3 days. We stayed in a Hotel together for the three days. It might have been only two days, in Pyrmont at Darling Harbour.

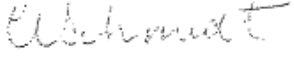
36. In the first couple of weeks of our relationship when we started to become intimate, Gerard and I would meet at Mill Road, Pullenvale, on a dirt road, it was pitch black. We never met during the day time. We would have met there about five times in total. We would then be intimate in the Century 21 Kenmore Office and then, as I have stated, on two occasions at Gerard's Brookfield Road home. We then met at my home at Bellbowrie after I had separated from Rob and then we met at my Unit at St Lucia. We never met at the Anstead Reserve or any other Reserve.

37. After Rob and I separated and we sold our house at [REDACTED] I received a lump sum of \$100,000. Gerard never asked me to invest in his business or buy anything including Real Estate. Gerard knew exactly how much I had received in the settlement. I would have been interested in investing my money into the business however he never made a suggestion for me to invest.

38. I remember about two years ago Gerard took his kids up to the Northern Territory for a holiday. They were up there for about a week. I think I did see a mention of this trip on Gerard's Facebook wall. I have been asked in relation to comment that I supposedly put on Facebook about that trip which someone thought was inappropriate. I may have made a comment on Gerard's Facebook wall but I certainly would not have made any comment that I thought was inappropriate. I may have put 'IKYK' on the Facebook wall. I can't remember. I cannot remember what comments I made. Gerard never made any comment to me about any comment that I put on his Facebook wall, either in relation to this trip or at any other time. I know that Allison did not go on that trip because Gerard did not want her to go. That is what Gerard expressed to me. Gerard told me that he just wanted time with the girls on his own. Gerard went to the Northern Territory to meet his brother, Adam. I have met Adam but do not know him well.

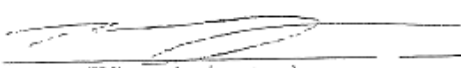

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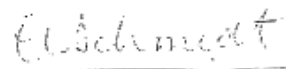

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39. I can say that I have seen Gerard to having shaving nicks on the side of his jaw and the nape of his neck. These shaving nicks were normal, nothing to be alarmed about. I have helped him with a bit of tissue as they have bled mildly. I have only seen him have these shaving nicks on the odd occasion.
40. On Saturday the 26th of May 2012, I was shown a photograph by Detective Sergeant Peter Roddick that I was advised was taken on the day that Allison was reported missing. The photo shows injuries to the right side of Gerard's face. I have been asked if I have ever seen a shaving injury similar to the injuries in this photo. I can confirm that I have not ever seen similar injuries on Gerard's face. I have endorsed the rear of the photograph that I was shown.
41. I have seen Gerard in the media with a beard and he has grown a beard in the past. I have seen him to grow quite a bushy beard which I personally did not like. But he enjoyed growing a beard.
42. I have been asked about a comment I made to Robert Mackay-Wood about who ever did kill Allison, they would have used the back way through Rafting Ground Road and not go through Kenmore. I did make a comment along those lines because to me it appeared to be common sense that whoever did this to Allison would have gone through Rafting Ground Road to get to Anstead. I just think that anyone who did not want to be seen would have gone the back way because there would have been less likelihood that they would have been seen.
43. I did have Allison Baden-Clay mobile phone number in my phone's contact list but deleted it. I cannot remember when I deleted Allison's number from my phone. It may have been before Gerard and I broke up last year. It was not when I deleted data from my phone in April 2012. I guess I had her phone number in my phone so that I could identify if she ever called me, I could prepare before I answered the call. I always half anticipated that Allison Baden-Clay would call me but she never did.
44. I commenced this statement on Saturday the 26th of May 2012. I did not complete this statement on that day. An arrangement was made for me to reattend the Indooroopilly Police Station on Saturday the 2nd of June 2012. On the 31st of May I received an email from Detective Senior Constable


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CONTINUED STATEMENT OF: MCHUGH, Toni Cheri

Christy Schmidt confirming this arrangement. I confirmed the arrangement and have returned to the Indooroopilly Police Station where I have completed the statement fully.

45. On the 2nd of June 2012 I was shown a document by Detective Sergeant Peter Roddick. It was a copy of a hand drawn map of my unit. I recognised the hand writing style as being Gerard's. Gerard always writes in capital letters. I have observed his handwriting style since I have known him. I have personally seen Gerard hand write many documents over the five or so years that I have known him. I have signed and endorsed the rear of that document.

46. I remember that in the week that Allison Baden-Clay disappeared I had my twin boys staying with me. I have an arrangement with Robert Mackay-Wood that we share custody of our twin sons on a week about basis. On Thursday the 19th of April 2012 both of my boys were with me at my St Lucia unit. My boys, who are aged 14 years, share a bedroom when staying with me. There are two single beds in the room. We start the bed process at about 8.30 – 9.00pm at the moment. They are pretty good at going to sleep soon after going to bed. They do talk sometimes. The boy's bedroom is the main bedroom of the unit. The main bedroom door is close to the main entrance into my unit. The boys sleep with the door open. I remained at home with my boys all night that night. There are no security cameras in my unit block that I am aware of.

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 26/05/2012 and contained in the 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 that I know is false.

Signature

Signed at Indooroopilly this 2nd day of June 2012.

(Witness's signature)

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

(Police officer's signature)