

**11.30am: Gerard Baden-Clay stood in the dock as he was asked if he would adduce evidence in his defence.**

Barrister Michael Byrne QC, for the accused, said his client would give evidence.

“Members of the jury, Gerard Baden-Clay will get into the witness box,” he said.

“As you’ve heard members of the jury, the defence is going to give evidence. Critically and importantly Gerard Baden-Clay is going to give evidence. He will give that evidence to you under oath and he will say a number of things.

“Perhaps at the forefront of what he will tell you is that he did not kill his wife. He will tell you that he did not leave his young girls alone in the house at Brookfield whilst he drove out to Kholo Creek on any occasion on the 19th or 20th of April, 2012.

“He will tell you that he certainly did not transport or carry his wife’s body down the muddy slope next to the Kholo Creek Bridge and he did not place it in the water at the bottom of that slope.

“He did not drive back from Kholo Creek having walked through the mud and he did not because there was nothing in fact, to clean up at the house in the surrounds of the house or in the car.

“Gerard Baden-Clay will tell you all of those things and will give you details of what did occur on those days, the 18th, 19th and 20th of April, 2012.

“He will swear to those issues and he will then give you a background as to his relationship with Allison, how they met, how they married, how their relationship went through difficulties, how they were throughout the years.

“He will tell you openly and frankly about his infidelity. He will tell you about his relationship with Toni McHugh and indeed with other infidelities during his marriage.

“But what he will tell you is that he intended to continue his life with Allison and the three girls. He will tell you he loved those girls and would do nothing to jeopardise his relationship with them, and that was the case in April, 2012.”

Mr Byrne said he and his wife drove to Mount Coo-tha together on the night of April 18 and they talked about the questions that were crossed out in his wife’s diary.

“He will tell you that the relationship between he and Allison was never on involving histrionics, never a relationship involving raised voices and arguments, let alone one involving domestic violence, it was not that kind of relationship,” he said.

Mr Byrne told the jury that when Ms Baden-Clay found about the relationship through her friend Wendy Mollah she merely asked her husband to meet her for a talk.

He said they drove to MacDonalds at Indooroopilly and sat in a car together.

“She asked him, are you having an affair? He said: ‘yes, I am’,” he said.

Mr Byrne said Baden-Clay would tell the jury his wife’s response was one of shock and disbelief and she got out of the car and sat on the curb.

“That’s how their relationship worked. That’s how it had worked throughout their 14 years of marriage, if there was an issue, be it affair, be it depression, be it lack of physical contact between them, they worked through it,” he said.

“They weren’t a couple who expressed their dissatisfaction in any way through raised voices, shouting, pushing.”

Mr Byrne said Baden-Clay would tell the jury his wife asked him to make a decision: her or me.

He said the accused would tell them that his wife relayed to him if he chose her, it would be subject to conditions and Ms McHugh would no longer be able to work at the business.

**11.55am: Mr Byrne told the jury the accused told his workplace what had happened and Toni McHugh left the business in October, 2011.**

“He’ll tell you that it wasn’t forgotten, it wasn’t a case that they got up the next morning and all was rosy in the world,” he said.

“He’ll tell you it was a topic that was, in April, 2012, still alive.”

Mr Byrne said Baden-Clay would tell them he and his wife went to work as normal on April 19, 2012.

“Gerard did what he did. Allison did what she did. She had a meeting with a trainer for most of that morning on the 19th, they chatted about children, work, diet, exercise. There was nothing to indicate there had been an explosion the night before on the 18th,” he said.

“That night, she’s got a hair dressing appointment, she goes off to do that. He has to go to a parent teacher’s night with (one of his daughter’s) teachers. They get home. There’s nothing untoward, they sit down and talk about what’s happened that day.

“They talk about cross-country, because it was (their youngest daughter’s) first one and she hadn’t been able to go. Gerard sent her photos ...

“She had a few follow up questions from the night before. You were with her for three birthdays, what did you do? He answered back accordingly and, as you’ve heard him tell various people, various times, he went to bed.

“Allison was wearing pyjamas ... he doesn’t know whether she came to bed with him or not, slept out in the lounge.”

Mr Byrne said the accused would tell the jury “in depth” what happened and walk them through what took place the next day and the days following.

“He will tell you there were calls by Toni McHugh in the afternoon of that day (19th April) when she found out for the first time Allison was going to a conference the next day. He’ll say Toni lost it, that wasn’t unusual for Toni. She was a volatile person,” he said.

Mr Byrne said there would be other evidence called as part of the defence case, including a forensic psychiatrist who would testify about the known relationship between depression and self-harm.

He said the jury would also hear from a forensic toxicologist who specialised in drugs and the effect of drugs upon people, particularly Zoloft or sertraline.

“As you’ve heard it’s a drug that is prescribed most relevantly for depression and anxiety ... it can also have negative effects,” he said.

Mr Byrne said the expert would discuss the condition “serotonin syndrome” that could occur when sertraline levels in a person could become elevated and cause confusion, agitation and in severe cases, delirium.

He said the defence would also tender tidal charts from the area of Kholo Creek in April, 2012.

“They will go together with time lapse photography of the area under the Kholo Creek Bridge, focusing upon where the body was found,” he said.

He played a time lapse video of a section of Kholo Creek beneath the bridge where the tide was seen to rise and fall and debris appeared in and out of view of the camera.

The jury saw a second, closer video where debris was deposited up and down the bank beneath Kholo Creek with each rising and falling tide from June 12 — June 23, 2014.

**12.30pm:** Mr Byrne told the jury Baden-Clay and Allison worked together at Flight Centre at the George St office and became friends.

He said they began to date and the accused would tell them there was a “spark” that developed into a long-term relationship.

“He’ll tell you he never really connected with Allison’s family. The next year in 1996, he proposed to her and she accepted,” he said.

Mr Byrne said Baden-Clay started planning a life together with his wife, starting with a lengthy overseas honeymoon.

He said they were married on August 23, 1997 and left the country a week later, visiting Kuala Lumpur, the Maldives, Turkey, Egypt, Spain, Portugal, Morocco and Western Europe.

“They were both high-achievers and very keen of their careers and being involved in their careers,” he said.

He said Ms Baden-Clay worked in London and then obtained voluntary positions at Kandarstang International Scouting Centre in Switzerland from June to September.

Mr Byrne said the pair attended weddings of friends and then decided to travel together to South America.

“Gerard will tell you they attended a traveller’s medical centre to seek advice from the doctor as to what vaccinations would be recommended to that part of the world and one of the drugs or vaccinations to be discussed was anti-malarial medication,” he said.

He said a drug called Lariam was recommended, although it had potential side-effects.

Mr Byrne said the doctor said the side-effects needed only concern those who had a “predisposition” to mental illness or depression and they decided to take the once-a-week tablet.

“Gerard will tell you that trip turned into, for want of a better term, an emotional rollercoaster. The ideal marriage, the ideal honeymoon changed, in that Allison, for the first time that they had been together and for the first time in their life, started to have severe mood swings,” he said.

Mr Byrne said the accused would tell the jury there were days his wife did not leave her room, she was listless and unable to function as the “normal, bouncy Allison self”.

He said they travelled to Switzerland and stayed in the Alps where there was a risk of avalanche due to recent snowfall.

Mr Byrne said the accused would tell the jury his wife reacted to the snowfall and seemed to “lapse into what he describes as a deep depression”.

“That affected their relationship, it affected their good times together and indeed their intimate relationship,” he said.

He said the pair travelled back to Brisbane for Christmas, intending to return to Switzerland, but they were instead offered jobs at Flight Centre and it was “time to have a family”.

“Allison gave up work and they worked on having a family,” he said.

Mr Byrne said the accused was made redundant shortly afterwards, including the September 2011 terrorist attack that had affected the business.

He said Ms Baden-Clay fell pregnant and their first daughter was born on July 3, 2001.

“The impact of those combination of circumstances impacted on both of them. He’ll tell you it impacted on Allison in the way she tended to go in on herself, become insular and not want to socialise to the extent she did in the past,” Mr Byrne said.

He said Baden-Clay became more involved in the household and care of their daughter.

Mr Byrne said the accused travelled with his brother but cut it short to be with his wife.

“Even at this point there was no diagnosis, neither of them knew about the depression or the effects of it, but by 2002, whatever she had, seemed to be getting worse,” he said.

He said the accused would tell the jury Baden-Clay set up an office at the house and his wife had panic attacks.

He said she told the accused about “passing out” once while driving a car during the course of a panic attack.

“Neither of them shared details such as Allison’s condition, whatever it was. They would socialise less and less. She wouldn’t want to go to social functions and that’s what they did. It wasn’t a hiding of it, it was simply the way they were,” he said.

Mr Byrne said Ms Baden-Clay suffered a miscarriage at the end of 2002.

“That did not help her with depression and the ongoing panic attacks. Nevertheless, Allison wanted to have another child and they were both very happy when she fell pregnant (with their second daughter) who was due before Christmas, 2003,” he said.

He said Ms Baden-Clay’s episodes had continued and for the first time in 2003, saw psychiatrist Dr Tom George and was diagnosed with depression, anxiety and “transient suicidal thoughts”.

Mr Byrne said Ms Baden-Clay continued to see Dr George, often with the accused.

“Clearly he had no concept that this was something that was a medical, chemical imbalance. You can understand a miscarriage, or something giving rise to mood swings but he at that stage had not put together that this was a medical condition,” he said.

Mr Byrne said there were relapse episodes but Zoloft “evened out” the effects and helped to stabilise her mood.

“It meant she was rather flat but certainly not depressed. Whilst her condition was managed, they still had trouble communicating and understanding, at least from Gerard’s point of view, what this was and how they would get through it,” he said.

“They decided together they needed further income and they decided on a career in real estate.”

He said the pair joined Raine and Horne at Kenmore and their second daughter was born on the 16th December, 2003.

Mr Byrne said the accused would tell the jury he finished work by 5pm, in time for “the happy hour” to help feed and bathe his children.

He said he opened the Century 21 office after purchasing a franchise.

“Being his own boss, if you like, was the best way for him to manage that,” he said.

Mr Byrne said in the first year of business, the accused’s business won an award.

“Things were going forward from strength to strength but the relationship with Allison was not. If anything, it was deteriorating,” he said.

He said the accused would tell the jury he took one of his daughter’s to meetings, communication was strained and their love life was “non-existent”.

“Allison was suffering, he’ll tell you, from two things: increased libido and weight gain. Both not unknown side-effects from using the drug Zoloft. From this they maintained the outer image of being a normal couple, nothing wrong between them ... despite that scenario he will tell you Allison started to desperately want another child,” he said.

“He again will tell you that he didn’t think that was a good idea because of the way things were between them. She wanted, he’ll say, to give her a son. There were no male Baden-Clay’s in the family and she wanted to do that.

“He didn’t go on, he didn’t accept that, Allison became more depressed and Gerard will tell you that in that context and in that background, he had an affair with a person called Michelle Hammond.”

Mr Byrne said the accused would tell the jury he was “ashamed” of himself and got out of it and agreed to try for another child with his wife.

He said his wife was excited about the pregnancy and “things were looking up”.

Mr Byrne said that during the third trimester, Ms Baden-Clay became anxious and she went back to see Dr George.

He said the couple’s third child, a girl, was born on September 15, 2006.

“They had three children, their relationship had survived and business was going well. They were, in fact, comfortable financially,” he said.

“Gerard had a vision. He wanted not to have one agency but to have a number and he felt he had the ability and the skills to do that. To do that he needed to, he felt expand and one way of doing that was to take on partners in the business,” he said.

Mr Byrne said the accused was impressed by an employee of his called Phil Broome.

He said that the company was rated one of BRW's Top 100 fast starters in Australia and Baden-Clay and Mr Broome went 50-50 in the company in 2008.

He said a woman called Jocelyn Frost joined the business and as joint partners, Mr Broome and Ms Frost each paid in \$25,000.

"Professionally things continued on the up. On the home front, they did not. Gerard will tell you he'd been counselling some of his own staff, as a manager often does, about their own problems and their own relationships and personal issues.

"One of those persons was Toni McHugh. In the course of that, as you've heard, they developed a closeness and by the end of August, 2008 it had turned into a physical relationship.

"Gerard doesn't flinch from this. He won't say he was ever proud of it but what he will tell you is that after the relationship and the problems that had been present with Allison, he found himself being flattered, appreciated and acknowledged.

"Again, he'll be frank and say he enjoyed the physical relationship."

Mr Byrne said that was one side of the relationship, but the other was guilt.

He said the affair continued as sex when Ms McHugh decided to leave her husband.

Mr Byrne said Toni McHugh became more demanding after she left her husband and urged the accused to leave his wife.

"That continued for about three years," he said.

"He did not leave Allison, he'll tell you he told her he wouldn't leave Allison that he would not leave his young children."

Mr Byrne said Baden-Clay would tell the jury the three partners in the business split the business so that Jocelyn Frost and Phil Broome focused on sales in 2009.

He said Ms McHugh was also working at the business during this time.

"He'll explain that there was for him a conscious wrestle of his conscience. He enjoyed the excitement and thrill of his encounters with Toni but he was dedicated to Allison and his children," he said.

Mr Byrne said the accused tried unsuccessfully to split from Ms McHugh.

He said it was around that time Ms Baden-Clay started to attend counselling sessions.

Mr Byrne said the accused would tell the jury he never revealed that he was having an affair during those sessions but he did begin to communicate better with his wife.

He said the new partners in Baden-Clay's business were enjoying the "high life" with new cars, regular holidays, designer clothing and he bought a car in August, 2009 because "it seemed like the money would never run out".

Mr Byrne said the partners were each being paid roughly \$5500 per month.

He said it was against that background the partners decided they needed a bigger premises and more staff.

He said the business moved to Swan St, Taringa and a lease agreement was signed allowing them to access the premises in December, 2010.

He said the business would reopen from the new premises on January 10, 2011.

**1pm:** Mr Byrne told the jury the accused was still with his wife in early 2011 and between the two of them, things had become a bit easier.

"She seemed, from Gerard's point of view, to be getting better, on a much more even plain emotionally," he said.

He said the accused was involved in the children's school, at their kindergarten and did a lot of lunches, school picks ups, cooking and even washing.

Mr Byrne said things still weren't going well on a physical level with his wife and during a conference in Sydney, he had a brief sexual relationship with a woman called Jacqui Crane.

"It was a physical relationship," Mr Byrne said.

He said the business was set to open on January 10, 2011 with a full sales team of 25 people when the floods hit.

"It was a cruel, untimely and rather devastating event for a new, heavily staffed real estate agency," Mr Byrne said.

He said the business' finances were going down and Phil Broome sold his 25 per cent of the rent toll to Jocelyn Frost.

Mr Byrne said the accused would tell them his partners wanted to sack the staff and put it into receivership.

He said Baden-Clay did not want that and he spoke to his friends, who formed an advisory group, and loaned him significant funds to prop up the business.

"He'll say he wasn't asking for a hand out, he wanted them to look at the business... and as you've heard recently, that's what they did," he said.

“They agreed to loan the money on condition that Gerard was in control and they would be involved in the day to day affairs and look at the accounts...”

Mr Byrne said Jocelyn Frost and Phil Broom agreed to stay on in the business but Ms Frost was given an advance of \$10,000. But Mr Byrne said when the cheque cleared, she resigned rather than stayed on as a sales person, and went to another business.

He said the pair had challenged the accused about his affair with Toni McHugh.

“There was a fallout when Toni McHugh became aware of that and various things happened, one of those, which I touched on earlier, was that in September, October, 2011, during the day, Gerard received a telephone call from Allison who wanted to see him urgently and they needed to talk,” Mr Byrne said.

He said the accused told his wife on that at MacDonalds that he wanted to be with her and his daughters.

Mr Byrne said the accused called Ms McHugh and ended the relationship.

“Unlike Allison’s reaction, Toni lost it. She yelled, called him a low life for using her for three years...,” he said.

Mr Byrne said Baden-Clay told his staff about the affair so they could make their own decision about whether they wanted to stay in the business.

“He’ll tell you he felt relieved it was out, he knew from what Allison had told him... he knew that he’d still be dropping the children off and school and he knew that the parents would know. So he went and told the principal at the school, this is what happened, I’ve had an affair and I’m back with my wife,” he said.

Mr Byrne said getting over an affair was “very hard”.

“He’ll describe the period following that as extremely challenging both for Allison and himself,” he said.

He said Ms Baden-Clay laid down some “ground rules”, which included having no contact with Ms McHugh.

Mr Byrne said neither of them talked to family or even their close friends about it.

“Allison told him that if he was prepared to recommit to the relationship then she would as well and over the next few months things improved,” he said.

Mr Byrne said the pair began communicating more and he had no contact with Ms McHugh.

“He’ll say that, however, around Christmas, he felt he needed to say to Toni that he didn’t hate her and he was sorry and so they met for coffee... it’s not your fault, it’s mine and you

shouldn't be down about this but they continued after that, not regularly, they continued to have some contact," he said.

He said the business was "beginning to turn the corner" but "far from out of the woods" in Baden-Clay's mind.

Mr Byrne said the accused sold his Lexus and bought a Holden Captiva and sub-let the office space at Taringa to reduce the rent.

He said Ms Baden-Clay was working at the business about three or four days per week, looking after the financials and the business was "running efficiently".

Mr Byrne said the accused had loans from his friends and the option to buy out Ms Frost and Mr Broom by September, 2012.

He said the accused was not too concerned about where he would get the money from.

Mr Byrne said one of the people he contacted was Moggill MP Bruce Flegg.

"He'll admit he was a little depressed but he still had an optimistic view of the way things would go," he said.

"He had expectations that he would be able to borrow that money in time in September."

Mr Byrne told the jury that the accused and his wife were working "really hard" on their relationship.

"He'll tell you quite frankly and openly he thought she was the strongest mentally she had been for many years," he said.

He said the conditions he agreed to were to giving his wife a password to his phone and that they attended counselling together.

**3pm: Barrister Michael Byrne QC, for Baden-Clay, told the jury his client would tell them about his relationship with Mistress Toni McHugh in 2012.**

He said they contacted each other again around Christmas time in 2011 and occasionally after that.

"He'll tell you he did that and he discussed with her what her plans would be, what she loved to do, what motivated her, he kept talking about things... he'll say what she appeared to be interested in was just to be with him and live happily ever after," he said.

"He'll say he accommodated that, he'd say: 'yes, alright'. He had no intention of being with her and he would appease her. When she demanded to know when they would be together he gave her a date of 1 July... knowing it wouldn't happen and it would inevitably be postponed and be a trigger for her to move on and do other things such as travel overseas and study teaching."

He said they met for sex twice and for the final time around January or February, 2012.

Mr Byrne said they stopped seeing each other when Baden-Clay resumed a physical relationship with his wife Allison.

He said the pair came to see counsellor Carmel Ritchie and the mindset of the accused was still "both negative and unhelpful".

Mr Byrne said Baden-Clay listened and agreed to be involved in the 15-minute venting sessions after consultation with the counsellor.

He said they had a go on the Monday night, after the counselling session and re-visited it on April 18, 2012.

Mr Byrne said Baden-Clay asked his mother to come and babysit the children that night.

"When his parents arrived to look after the kids they travelled to Mt Coot-tha, she had the journal with her and she asked him a series of questions. They are noted down on the pages of the journal ...," he said.

Mr Byrne said the accused answered his wife's questions, adding he was scared of being seen and deliberately went to the cinemas at the Barracks because they were worried about being seen.

He said Baden-Clay had sex with Ms McHugh in his car, called "Snowy".

"To put it bluntly the Prado was the car used by Gerard for trysts with Toni McHugh and that was one of the things disclosed," he said.

He said Ms Baden-Clay refused to use the Prado after finding out about the affair in September the year before, "perhaps understandably".

Mr Byrne said the accused would tell the journey he was remorseful and wished the affair had never started.

He said the couple discussed a couple of "follow-up questions" on the night of the 19th of April, 2012.

"He will say that, as he's told the police, that he went to bed that night on the 19th of April before Allison did. He'll tell you she was on the couch, she was wearing her pyjamas she would usually wear to sleep and thick socks instead of slippers to wear around the house," he said.

Mr Byrne said Baden-Clay was working on the Cheesman house renovations at Pullenvale that day and then raced home to do parent-teacher interviews that night.

He said Baden-Clay's mother picked up his daughter's from school and he met them for a barbecue.

Mr Byrne said Baden-Clay and his wife phoned one another and by the time he arrived home, his wife was home, too.

He said they both said goodnight to their daughters in their rooms that night.

“He’ll say that night they sat down to watch TV together after the children were in bed, Allison in particular liked to watch the footy show ... he was tired and wasn’t feeling well. He went to bed around 10.30pm,” he said.

“He did not wake during the evening and woke at 6am on Friday the 20th and Allison was not there.”

Mr Byrne said Baden-Clay did not tell his wife that Toni McHugh would be at the real estate conference the next day.

“He will tell you that he rushed and he cut himself shaving. He’ll say he did that, it bled, he put tissues on it, the tissues were disposed of, down the toilet or something to that affect,” he said.

He said the accused became increasingly concerned and sent text messages to his wife.

“He started calling but the calls would go through to message bank without being responded to,” he said.

Mr Byrne said Baden-Clay called his parents, who came straight over and even searched the neighbourhood.

“After a time he called Olivia and said, should he call the police? She thought he should and as the phone records clearly disclose he made three phone calls to police. One to the Indooroopilly police station... that got no answer, so later he tried the other 1300 number and as he told the 000 operator on his third call, he tried but had been unsuccessful at getting through and he wanted to report that his wife was missing and could not easily be found,” he said.

“His concern was an accident had happened, maybe she didn’t have her phone with her...”

Mr Byrne said the first police arrived at the house early on Friday, April 20, 2012.

He said Baden-Clay promised his daughters their mum would be home by the time they returned from school that.

Mr Byrne said the father of the accused told him the number of police arriving at the house was not like a missing person’s investigation.

He said a lawyer advised Baden-Clay not to give a statement by police but he already had, at least one of them lasting a number of hours.

“It was at that stage the police seemed to become more suspicious of him because he had spoken to a lawyer,” he said.

“He continued to speak to them, even the next day, when he went by himself to the command centre.”

Mr Byrne said his wife’s parents came to the house and he “tried to make them feel at home”.

He said Ms Baden-Clay’s parents got upset with him and they left with police to give statements.

Mr Byrne said Brookfield was a small, close-knit community and news of his wife’s disappearance travelled quickly.

He said he would go to the Brookfield Showgrounds but was asked not to join in the search with SES and police.

“One of the pieces of advice he was given by his solicitor was that he should go to see doctors to have them look at shaving cuts on his cheek and that’s what he did the following morning,” he said.

Mr Byrne said the accused would tell the jury he had no knowledge as to what happened to his wife.

“He will tell you that he was not feeling under particular stress or pressure on that wee of the 18th and 19th of April, 2012. They had seen a counsellor who they felt positive with and they were putting practises into place to move forward with their relationship,” he said.

**3.15pm: Gerard Baden-Clay has taken the stand, telling the jury he was 43 and married to his wife Allison since August, 1997.**

“When she went missing it would have been coming up to our 14th wedding anniversary,” he said.

Barrister Michael Byrne QC: “Did you kill Allison?”

Gerard Baden-Clay: “No I did not.”

He said he did not leave his children alone in the house to go to Kholo Creek: “Definitely not, never.”

He said he did not take step to dispose of his wife’s body or clean up afterwards.

Baden-Clay: “We were planning on spending the rest of our lives together... after the infidelity I had in the past.”

He said he got the marks on his cheek from shaving on April 20, 2012.

“Never,” he said, when asked if he was ever scratched by his wife.

Baden-Clay said he was vice president of the Brookfield State School P & C and on committees for the kindergarten his children went to.

He said he first met his wife at Flight Centre.

“We both worked at Flight Centre. Allison had worked at Flight Centre for some years, she had originally been a consultant at one of the offices in the city...,” he said.

“I joined flight centre after some years in accounting and felt that it really didn’t suit me and I joined because a friend of mine who I met at KPMG, Ian Walton, spoke to me and said it was a great opportunity, so I went to Flight Centre in 1994.”

He said he joined the company as a consultant and lived with his brother Adam and parents at Wavell Heights.

“I joined as a sales consultant at the Toombul Flight Centre...,” he said.

Baden-Clay said he provided travel advice and booked tickets for airfares and accommodation.

He said he “fell in love with the company” and was quickly asked to start a new component of the company as a national manager on George St in Brisbane.

“I started with a handful of staff and we grew to about eight at that point,” he said.

He said his future wife worked in the desk directly above his on the next floor, as the human resources manager.

He said he met his future wife in 1995. He said she had been engaged previously.

Baden-Clay said he helped Allison Baden-Clay with computer problems and “we became friendly”.

He said he arranged for Ms Baden-Clay to meet his friend over dinner at a conference in Cairns and instead, he hit it off with her.

Baden-Clay said they started dating that weekend.

He said his wife’s mother was the eldest of 10 children and they had a tradition where they would meet together for Christmas.

Baden-Clay said he met her family at Christmas in 1995 when the dinner was held at his future wife’s parent’s home, Geoff and Priscilla Dickie.

He said there were 50 people there and he felt quite overwhelmed.

Baden-Clay said his own extended family was quite small and lived mostly overseas.

“I fell in love with her,” he said of his wife and began to cry in the witness box.

Baden-Clay dabbed his face with a handkerchief.

“I fell in love with her pretty well straight away and I had had a couple of girlfriends previously but I felt a level of emotional attachment to Allison that was far deeper than ever before and because of that I knew she was the one,” he said.

“We were planning a trip to Europe later in the year and there was talk of going to Paris or something like that and it seemed a... I didn’t want an experience in Paris where she would be wondering on every street corner whether this would be wondering if this was the moment...

“I was incredibly nervous. I actually proposed to her underneath the Eiffel tower of Park Road. She was quite taken aback because I think she had been engaged before and probably psychologically she was preparing herself for some months hence and was completely taken by surprise so she actually asked for a week to think about it.”

He said they drove down to her parents to break the news to them afterwards.

**3.46pm: Baden-Clay told the jury he was in a caravan park in New Zealand with Allison when they decided to build a business together.**

He said they kissed on the top of a set of steps when they first met and got married at St Mary’s Church at Kangaroo Point in 1997.

He told the jury he and his new wife went on a honeymoon at the Maldives. He said they stopped at Kuala Lumpur on the way, then afterwards visited Turkey, Jordan, Egypt, Spain, Portugal and Morocco and spent a few weeks travelling in the Netherlands, Switzerland and Germany.

Baden-Clay told the jury they visited a scout camp in Switzerland and applied to work there as volunteers.

He said they visited his grandparents in Somerset in the United Kingdom and he worked at Blockbuster International in London and worked there for around six months in 1998.

He said his wife got a job with Dale Carnegie training.

“She lived the typical monopoly board lifestyle in London and would catch the tube to work...,” he said.

Baden-Clay said his friend Ian Walton met his sister Olivia at their wedding.

He said they returned home for the weddings of two friends in July of that year and then flew back to Switzerland.

He told the jury he and his wife planned to go to South America and got a number of vaccinations before their trip from a local doctor.

“The one thing neither of us ever had cause to have before...we’d never had to deal with malaria before,” he said.

Baden-Clay said the doctor recommended a daily dose, as well as Lariam, which was taken weekly.

“Dr Mills informed us of potential side effects and one of those was it could cause episodes for people with mental challenges... Allison and I both looked at each other and thought, well that’s not us,” he said.

He said the drug had a dramatic effect on his wife in 1998. “The trip that we went on was a truck tour where you basically travel on a converted truck/bus and... that truck trip started in Rio and traversed east to west across South America and ended in Quito in Ecuador,” he said.

“At that time some of those places were fairly unsettled... Rio is an enormous city and it has some unsavoury parts to it and Allison was potentially a little bit nervous.

He said his wife became quite withdrawn.

“It was a fairly close environment being on a truck or a bus together, so there were social activities all the time... sometimes she was fully engaged and involved with everybody and other times she was completely withdrawn, complaining of headaches and that sort of thing,” he said.

“The worse thing of that withdrawal attitude or manifestation was, we were at a town in Potosi... Allison could not get out of bed... and she was just couldn’t get out of bed, just completely, not unresponsive, it wasn’t as though she was comatose, but she was curled up in bed and didn’t want to go anywhere.

“I said we should call the doctor and she said ‘no, she didn’t feel sick... I just don’t want to go out today’.”

Baden-Clay said he’d never seen his wife like that before.

“The next day she woke up normal more or less, as though nothing happened and I was delighted but also confused as to why that was,” he said.

“That sort of mood fluctuation continued throughout the trip.”

He said they stayed with friends in Quito and there was a day when his wife seemed well and a day when she did not.

Baden-Clay said his wife didn’t seem to know why she was feeling the way she was.

He said they went to the Galapagos Islands and his wife became very anxious again.

“She was just not great at certain times, at other times, she was fine,” he said.

Baden-Clay said they went to New York, then back to England where Ms Baden-Clay “crashed”.

“We took her to (a) hospital... and that was the first time we became aware of the possibility of the Lariam being a trigger for the episodes Allison had been having,” he said.

The accused said a doctor told them the drug should work its way out of their system when they stopped taking it.

He said they returned to the scout camp in Switzerland in voluntary roles as part of a nine-month contract.

“We were paid pocket money, we always had food and accommodation supplied... it was enough to be able to go into the village for a nice dinner once a month or something like that or buy some Toblerones occasionally,” he said.

Baden-Clay said his wife appeared to get better but there was an unprecedented snow fall in the Alps and the slopes in the valley where they lived was prone to avalanches, resulting in evacuations throughout their village.

“Allison did not respond well to that whole situation at all,” he said.

“There were times when she thought in her paranoia that the sky was falling in, so when it became a physical possibility that would happen... she was very, very, anxious.

“I covered her by saying she was not well, had a cold or a headache or that sort of thing but it was because of that.”

He said they stayed in the village until September.

#### **4.30pm: Baden-Clay told the jury they returned to Brisbane at the end of 1999.**

He said they returned to jobs at Flight Centre and by 2000 he was 29 or 30 and she was a few years older.

“It was thought we might like to have a family and we should probably settle down at some stage,” he said.

He said his wife had “pretty much” recovered from her episodes while on the Lariam but still seemed more fragile.

“When we got married she was just a world-beater. You know? She could do anything,” he said.

Baden-Clay said they lived with his sister and her husband Ian at Kenmore.

He said he was made redundant in August, 2000.

The accused said they fell pregnant at the Olympics: "She was an Olympic baby".

He said his first daughter was born on July 3, 2001.

"We always tried to look for the positives in everything, so we thought maybe this is a sign that we should be trying to do something on our own... I was doing a little bit of day trading, we were utilising some of the equity we had in shares but when September 11 came along we were very concerned about how that would have on the travel industry... so we sold a bunch of our shares to make sure we were completely debt free," he said.

He said they sold their shares on September 11.

Baden-Clay said his wife's anxiety returned following their first child being born.

"She was very concerned about being a first-time mum," he said.

He said his wife became progressively very anxious.

He said his wife would have a panic attack if he left the house and was only capable of attending to her daughter's most basic needs.

"To be perfectly candid with you it came to a point where I was doing 80, to 90 nearly 100 per cent of the parenting, I couldn't breastfeed, but... because Allison was in a state that wouldn't really enable her to do anything," he said.

"It was during that time I wired up an intercom facility from the house to the garage so that if she ever needed me I could be there in seconds."

Baden-Clay there was an option on the intercom where she could switch it to a setting where he could hear her from the garage.

He said he went on a holiday with his brother in 2001.

The accused said his wife's mood swings and anxiety got progressively worse in 2002.

"We had a miscarriage that year as well and that wasn't great," he said.

He said he saw his wife pass out on a couple of occasions after she became very anxious with their second pregnancy.

"She became very anxious when driving," she said.

“It came to a head when she told me she had been feeling very, very anxious and faint and pulled over on the side of the road on the high street at Toowong and she passed out at the wheel.”

He said their one-year-old daughter was in the car.

“She fainted. She fainted. And I don’t know how else to describe it, she fainted. She felt very uncomfortable about driving anywhere so she stopped driving and basically from that moment on she didn’t drive at all,” he said.

“She was very, very nervous even as a passenger, so the longer the car journey, the more anxious she became. The longest journey that we did in the car in those years would have been to her mum and dad’s, Geoff and Priscilla, at Paradise Point and that was about an hour door-to-door and that really Allison’s limit.”

Baden-Clay said he would drive his wife around.

He said he did not tell anyone about his wife’s problem to protect her.

“She didn’t tell anybody because she didn’t want to be seen to be incapable,” he said.

The accused told the court his wife saw a doctor who thought his wife’s symptoms sounded like depression.

He said she may have been five months pregnant with their second child at the time.

Baden-Clay said the doctor referred Ms Baden-Clay to a psychiatrist called Tom George.

He said he drove his wife to the appointment, for more than six months and probably a year.

“I attended all of the initial ones and by that I mean for the first probably three months, after that I didn’t always sit in, often we brought, we had children, so I would look after the children,” he said.

Baden-Clay said that in the very first session Dr George went through a diagnostic process with his wife.

“He covered right back to childhood issues she had with anxiety that previously Allison had not spoken about those things,” he said.

He said his wife was a gifted ballet dancer as a child who became ill in the wings during performances.

Baden-Clay said Dr George recommended therapy and medication as treatment.

“We, Allison and I talked about that, I more than Allison was a bit cautious about medication. I was a little bit gun-shy after the experiences we’d had with Lariam and... didn’t really understand what we were dealing with,” he said.

“We were cautious about that.”

The accused told the jury that over a period of time, weeks and months, his wife started to improve.

“She had less episodes of anxiety and panic attacks. The panic attacks were probably the most visible and frightening expression of the illness that she had because she could become quite, her whole body would shake...,” he said.

“The depression revealed itself in her being laid low and stationary and curled up and quiet and those types of things. We, Allison and I strongly believed in the power of positive thinking and I didn’t care, so long as she was getting better, and I felt definitely that she got triple benefit from the consultations with Dr George.”

He said his wife gave birth to their second daughter on December 16, 2003.

Baden-Clay said he looked at going into real estate around that time.

He said he and his parents undertook real estate courses together with his wife’s support.

“I wanted to be available for Allison should she need me and that would happen often, if she called me and I would drop everything and go,” he said.

He said he and his parents worked commission only for Raine and Horne.

***The court will resume on Monday at 10am.***

