

## **GBC Trial Day 13**

### **10.30am: The jury continued to be taken through phone records on April 19 and 20, 2012.**

Gerard Baden-Clay said his wife likely called her hairdresser to tell her she was on her way at 4.38pm on April 19.

Baden-Clay said he would have shortly after called his mother to let her know he had finished parent-teacher interviews and she may have asked him to pick up some sausages for dinner.

He said a call from a recruitment company calling him for a reference for an ex staff member at 4.57pm.

The accused said another call was likely his wife “touching base” to let him know she had made her hairdressing appointment.

He said Toni McHugh called him and it was during that conversation he told her his wife would be attending the same real estate conference as her the next day.

“That conversation, I can’t remember all of the details of it, but Toni was not pleased about the fact Allison was going to be at the conference the following day and I basically didn’t say very much and really didn’t respond to that,” he said.

Baden-Clay said he had no real concern about the two women attending the same conference along with hundreds of others.

He said, as an aside, his wife was not a “confrontational” person.

“There was no guarantee they were even going to see each other so I had no concerns about that, I mentioned it, I think Toni said to me in that conversation that she was going the following day and I said: ‘Oh, well, Allison’s going too’,” he said.

The accused said two calls he made at 5.10pm and 5.11pm may have been in relation to an office matter.

He said Ms McHugh called him again.

“Toni was upset about it, she didn’t want to see Allison and she was expressing her displeasure about it.

“She asked me to tell Allison that she was going to be there, which I never agreed to and certainly I never did, and for the majority of that it was her doing the talking and me not saying much at all,” he said.

Baden-Clay said he did not know why Ms McHugh wanted him to tell his wife she would be at the conference the next day.

He said he had no intention of telling his wife such a thing.

“Whilst I was communicating with Toni, Allison did not know that, so I didn’t want to open a can of worms by explaining to Allison that I was still speaking to Toni and the other thing was, I just wasn’t very concerned,” he said.

Baden-Clay said he deleted Ms McHugh’s phone calls from his phone history.

The accused said his wife called their home phone just before 6.30pm, shortly after calling Baden-Clay on his mobile.

He said his wife told him she had finished her hair appointment and was heading home.

Baden-Clay said he received a text message from a staff member to inform him she had sold a property or secured a new listing at 7.42pm.

He said he texted her back to say something like “congratulations, well done, you’re a legend”.

The accused said he sent a group message to the rest of the sales team as well, as part of a regular team building exercise, to share the news of the property sale.

He said there was a text message from his sister Olivia Walton to his wife at 8.16pm.

“I suspect that was Olivia texting Al about plans for the sleepover the following night and probably asking Al to give her a call because Olivia’s mobile phone plan allowed her to make phone calls but not text messages or something like that,” he said.

Baden-Clay said he sent another group text message to his business team spruiking his wife’s successes at the training session she had that day at 8.22pm.

“It was just a little team building thing that I had and as each stage of a sale or a property management progresses I would give them a little pep,” he said.

He said he would have been doing the ironing at home by that time.

Baden-Clay said his wife would have phoned his sister at 8.28pm but they had poor phone reception so the call dropped out.

He said his wife phoned back from the home phone.

The jury was taken to a phone call from Baden-Clay to his wife 6.32am on April 20, 2012.

“That’s the first phone call I made to Al to ask where she was,” he said.

He said the call went to his wife’s answering service and he left a message.

The jury was shown another call he made to his wife at 6.38am.

Baden-Clay said he used his home phone to call his mother.

“I thought about calling mum and dad and I didn’t, I hung up,” he said, his voice breaking.

The jury was shown another call from the accused to his wife's mobile at 6.45am.

Baden-Clay said he called his parents and told them his wife was gone and he didn't know where she was.

He agreed he tried to phone Sgt Murray Watson at Indooroopilly police.

"I had his number in my phone so I tried giving him a call ... and it went through to a standardised voice mail," he said.

"I didn't realise it was the Indooroopilly Police Station I had in my phone and so, I just hung up."

He said his sister texted him and he called her back.

"She just called to say ... 'I'm in the car, where does Al normally walk? What routes does she take?' And that's when I told her and she said 'righto, I'll go there straight away'," he said.

Baden-Clay agreed he phoned his wife again at 7.02am.

"I kept getting her voicemail and you can see they were very short calls, so I probably just said 'please call, please' or something like that," he said.

He said he kept calling because he thought the noise of the phone would attract her attention more.

The accused said either his father or his daughters made a call from the home phone at Brookfield to his wife's mobile.

"Pretty much as soon as Dad got home, I don't know exactly when that would have been, but it would have been around 7am because he called at 6.56am and he was on his way," he said.

"I basically, when he arrived, I went out pretty much straight away."

Baden-Clay said he called his sister and they updated one another on what was happening.

He said his sister asked him what his wife was wearing.

"She was just telling me where she'd been so I could make sure I wasn't, you know, we weren't sort of crossing over each other's search areas, that we were doubling up," he said.

The accused said he sent a text to his wife's mobile and then made a call to his staff member Kate Rankin, who had planned to attend the real estate conference with his wife that day.

"I tried to call Kate just to find out what their plans were for the day, and it appears as though I didn't get through to her and then she's called me straight back," he said.

"I wondered if maybe Al had just walked to her house or something."

Baden-Clay said he called his sister again and asked her if she thought it was too early to phone police.

He said he first dialled Police Link then, growing impatient with the automated voiceover, called 000.

“I still didn’t think it was an emergency situation so I just called that general number ... and it seemed to be going on forever and ... then I called the emergency number,” he said, sobbing and then blowing his nose loudly.

**11.20am: Gerard Baden-Clay told the jury he returned home to the family’s property at Brookfield Rd to meet police.**

The jury was taken to a phone call from the Baden-Clay home phone to his wife’s mobile phone at 8.48am.

He said police arrived at the home about 8am but he couldn’t remember the time exactly.

The jury saw phone calls from the Brookfield State School to Olivia Walton and a call from employee Kate Rankin to the accused telling him she would work from the office rather than attend the conference, in light of Allison Baden-Clay’s disappearance.

Baden-Clay said he called his friends Fiona and Stuart Christ to “put them on notice” his wife was missing as it might have changed their evening plans in terms of the children’s sleepovers.

He said he phoned his wife’s father Geoff Dickie at 9.51am.

The accused said he tried to call his friend Robert Cheesman and when he couldn’t get through, phoned his wife Katie; Peter Cranna and his wife’s best friend from school Kerry-Anne Walker.

He said he phoned the school principal to check on his daughters.

Baden-Clay said he lived at the rented property on Brookfield Rd for about five years.

The jury was shown a to-scale plan of the family home.

Baden-Clay agreed there was a bedroom, ensuite and walk-in robe at the front of the house, next to the family room and the entry stairwell at the front of the house.

He said his wife slept on the right side of the bed and he on the left.

The accused agreed there were three bedrooms on the right-hand side of the house, next to the front entry stairs leading up from the driveway.

He said his middle daughter slept in the room near to the backyard and the paved alfresco at the rear of the home, while his eldest daughter slept above the carport and the youngest nearest to the front door entry, also facing the road.

Baden-Clay said his eldest daughter slept on a raised bed and used steps to get in it.

He said his eldest and youngest daughter had windows in their bedrooms that overlooked the car port while each room was situated directly above the garage.

The accused said the family's Holden Captiva was parked in the carport nose-in by his wife on April 19, 2012.

He said he reversed it into the carport after heading out to look for his wife on April 20, 2012.

Baden-Clay took the jury through a plan of the underneath of his family home on Brookfield Rd, including an underground storage area, garage and carport.

The jury was shown an aerial map of the Brookfield area and the accused pointed to his home and the location of Brookfield Rd.

He showed the jury where his wife would usually walk in the mornings.

"The two main routes that she took were, one that I described as around the school ... when Allison would do her walk around the school and she would either go clockwise or anti-clockwise, it would change, and she would go around that block," he said.

Baden-Clay said his wife would go past the produce shop to Rafting Ground Rd, then connect with Boscombe Rd back past the school and home.

He said the second route went along Brookfield Rd, to the roundabout and Gold Creek Rd, all the way to the aged care home and back.

He said his sister looked for his wife along those routes on April 20, 2012.

Baden-Clay agreed he contacted a life insurance company on May 1, 2012 to determine how he could make a claim.

"The day before we had found Allison's body and we knew it had been confirmed that it was her and Dad told me I really had an obligation to the insurers to let them know, that was why I made the call," he said.

He said he did not fill out the claim form himself.

Baden-Clay agreed no payments were made on a Westpac credit card owned by the pair between January 24 and May 30, 2012. A minimum payment of \$2426 was required.

"Allison and I made the determination that any excess funds of income that we had needed to be focused on the other debts and priorities in the business and that (card) for us was not the priority," he said.

Baden-Clay said his relationship with his wife was good on the night of April 19, 2012.

He said he was not under financial pressure or significant relationship pressure that night.

“Allison and I were working together very well on both our relationship and the business, and financially the business was turning around and we were moving forward as we were getting better,” he said.

He said he had no plans to leave his marriage for Toni McHugh.

“That’s absolutely untrue,” he said.

“My intention was to end any relationship with Toni McHugh and solidify and continue to rebuild the relationship with Allison for our future together.”

Baden-Clay said he was not concerned Ms McHugh and his wife might meet at a real estate conference on April 20, 2012.

“No. I didn’t have concerns about it,” he said.

“Allison was not a confrontational sort of a person, they were at a corporate function and I didn’t anticipate or have any concerns, it didn’t enter my mind as to being a concern that they were going to see each other there.”

***The accused finished his evidence-in-chief.***

***Cross Examination after short recess***

**11.50am: Crown prosecutor Todd Fuller QC has commenced his cross-examination of accused killer Gerard Baden-Clay.**

Baden-Clay, 43, has pleaded not guilty in the Supreme Court at Brisbane to the murder of his wife Allison on April 19, 2012.

Mr Fuller asked the accused if he deceived his wife for four years.

“Yes, I did,” he said.

But Fuller said it started earlier than that, with an affair with Michelle Hammond.

He agreed he led his wife to believe he chose her over Toni McHugh.

“You let her believe right up until April 2012 that Toni McHugh was a thing of the past, didn’t you?”

Baden-Clay: “Correct.”

Mr Fuller said his wife was not the only one he was deceiving.

“No, she was not,” the accused said, referring to his deceit of Ms McHugh.

The jury was shown an email from Baden-Clay to Ms McHugh where he promised to separate from his wife by July 1, 2012.

“Throughout that time she had been working at your relationship, taking you to counsellors and behind her back this is the message you are sending to Toni McHugh?,” Mr Fuller asked.

Baden-Clay: “That’s correct.”

The accused said Ms McHugh had built a fantasy around them being together.

“As I indicated to her before I often said to her things to placate her, told her things she wanted to hear,” Baden-Clay said.

He said he hoped by telling Ms McHugh in an email on April 11, 2012 “it was agony for me, too. I love you” that it would “calm her down”.

Baden-Clay agreed he told Ms McHugh those things for the sake of the business, because he was concerned for her and out of a desire to continue the sexual relationship.

Mr Fuller asked Baden-Clay why he was still seeing Ms McHugh in April, 2012.

“She’s conversing with me and I was trying to placate her,” he said.

Baden-Clay agreed he deceived Ms McHugh in December, 2011 when he told her he wanted to get back with her.

He said he agreed he gave Ms McHugh a date of July 1, 2012 when they would be together.

Mr Fuller: “Which happens to be your wife’s birthday?”

Baden-Clay: “Which happens to be today.”

The accused disagreed Ms McHugh gave him an out during a meeting at a coffee shop.

Baden-Clay said he could live without Ms McHugh.

He said he told her he loved her out of concern for her.

Mr Fuller said Baden-Clay had also deceived his friends and family by letting them believe he was in a successful relationship with a growing business.

Baden-Clay agreed he did not want to jeopardise his family.

**12.40pm: Baden-Clay agreed he sold the Lexus and bought a Holden Captiva to save money as a result of financial challenges they were facing.**

He agreed his family loaned him money, he loaned money from the bank and owed money to friends. Baden-Clay agreed he had to make a decision on who he would pay.

“Everybody else,” he said when asked who he was paying interest to, other than his family, friends and Westpac bank.

The accused agreed he was paying out money for the purchase of the rent roll.

“It wasn’t our main source of income but it was a significant source of income,” he said.

Baden-Clay agreed property sales were up and down and he could not guarantee where the income would come from, as he would with the rent roll.

He agreed he wanted control of the business back.

Baden-Clay agreed his friends loaned him \$270,000 but loosened the reins when his wife stepped on board.

He agreed his wife asked him to make a choice when she found out about the affair with Toni McHugh in September, 2011.

Baden-Clay agreed his wife came to the workplace as a general manager, restricted his meetings at night and he had to seek her permission before he went out.

“She clearly thought what had happened between yourself and Toni McHugh was over,” Mr Fuller said.

Baden-Clay said that was correct.

He said he went to see Ms McHugh at Christmas time out of a sense of responsibility to her.

He agreed he had lost some of his freedom.

“In some ways, that was a relief for me,” Baden-Clay said.

Mr Fuller said the accused had previously had the best of both worlds: a family man with a wife at home and a lover at night.

Baden-Clay said he did not think Ms McHugh was vulnerable when he first counselled her through relationship problems in 2008.

“There were a number of my staff with relationship issues... ,” he said.

He agreed he visited Ms McHugh at Bellbowrie for sex and at her unit at Toowong.

Baden-Clay agreed he told his wife he took Ms McHugh to the movies and to dinner, as well as attended functions together.

Mr Fuller: “You kept your working life separate from your home life didn’t you? Up until Allison became part of the business?”

He said he responded to Ms McHugh’s love for him by agreeing to leave his wife for her.

“The only time there was ever mentioned was this throw out of the first of July,” he said.

Baden-Clay said he did not remember talking to Ms McHugh about the type of car they would buy, as she had three sons.

Mr Fuller asked him if he planned to be a sort of “Brady bunch”.

The jury was shown an email from Ms McHugh to the Bruce Overland account, in which she wrote of looking for rental properties and moving in together.

“She was constantly trying to put additional pressure on me, that’s correct,” he said of Ms McHugh.

He agreed she wanted him to leave his life.

“She said in this very chair and told you that she didn’t believe me when I made that commitment because we’d had those conversations before and I had consistently demonstrated my lack of willingness to leave my wife Allison,” Baden-Clay said.

He said he told his wife he loved Ms McHugh.

The jury was shown Allison Baden-Clay’s journal page in which she wrote down questions for her husband on April 18, 2012.

Baden-Clay said he was reluctant to talk about the affair, but that did not mean he had not spoken about it at all.

“I was having the conversations with Allison,” he said.

He agreed Ms McHugh had come to see him at his home in Brookfield on two occasions, while his family was away on the Gold Coast.

Baden-Clay said he had told his wife about that.

“When she asked me about it previously,” he said.

He said his wife had no issue with sleeping at the house knowing that Ms McHugh had been there, but did not want to use the Prado where they had sex.

He said he could not remember when he first told his wife he did not love her.

“The conversations that we had were, I’m, please forgive me, I’m just trying to recollect for you... I’m trying to see if I can think if I can give a reference in time, I think it must have been in 2009 perhaps when we first went to see Tom George and we had a few conversations around then,” he said.

He agreed he thought that was around June, 2009.

“We agreed to go together and it was after conversations with Dr George that we had further discussions with Allison that I still loved her but didn’t feel ‘in love’ with her,” he said.

He agreed he may have told Ms McHugh he didn’t love his wife, but just to “placate her”.

Baden-Clay said he could not remember telling Ms McHugh he wanted to leave his wife but wasn’t ready yet in December, 2011.

“I was trying to bring her back from the upset she had felt,” he said.

He agreed the way to make her feel better was by telling her he loved her.

The accused agreed he told Ms McHugh he would be hers “unconditionally” at the meeting.

“It was a bit of a joke in relation to a real estate contract being unconditional and I think Toni raised that,” he said.

Baden-Clay said he did not treat the words “unconditionally” as a joke.

The accused agreed he told her he wanted to leave his wife and be with her unconditionally.

He agreed there was contact between them from that moment on, on some occasions “quite regular”.

Baden-Clay agreed they phoned, used the Bruce Overland account and sometimes met.

He agreed that was difficult under the new regime his wife imposed.

Mr Fuller: “So you effectively had stolen moments with her?”

Baden-Clay agreed.

He could not say why he had sex with Ms McHugh.

“One occasion was after we had met at a coffee shop and when we went back to our cars, to leave, I sat in her car and talked with her for a little bit longer and... how much sordid detail?” he said.

“It wasn’t sex as in intercourse... I don’t know if I can answer that question.”

**1.05pm: Gerard Baden-Clay said he did not regard himself as in a relationship with Ms McHugh by April 19, 2012.**

“We hadn’t seen each other for a number of weeks at my urging because I was trying to assist her to end any idea she had that there was some sort of relationship with me or future with me,” he said.

“I wanted her to be able to be the one to control the ... to tell me where to go, basically.”

Mr Fuller: “Who was more important to you Mr Baden-Clay, your wife or Ms McHugh?”

Baden-Clay: “Allison, absolutely, Allison.”

He agreed he told counsellor Carmel Ritchie from the outset that his wife did not trust him.

Baden-Clay said he told Ms Ritchie he was concerned about his wife “bringing up repeatedly painful things from the past”.

“I felt that for Allison it was unhelpful for her to constantly revisit those things that were painful for her,” he said.

He said Ms Ritchie convinced him that it would be helpful, because she gave a structure to the process.

He said he did not agree to the counselling session just to placate his wife.

“I wasn’t having an affair with Carmel Ritchie and I wasn’t having an affair with my wife,” he said.

Baden-Clay agreed he met Ms McHugh at a coffee shop and told her it was “too hard” to keep going as they were.

He said Ms McHugh pressed him to give a date for when he would leave the marriage.

Baden-Clay agreed he told her he would be out of his marriage by July 1, 2012.

Mr Fuller asked Baden-Clay whether Ms McHugh gave him an “out” that day.

“I do not recollect that, what I know, was that in order for her to move on, I felt it would be necessary for her to be the one to make the determination there was no future for us,” he said.

Baden-Clay said he had conversations with his wife about ending their marriage before seeing psychiatrist Dr Tom George in 2009.

He agreed he did not tell Dr George he wanted out of the marriage because his wife no longer slept with him.

“I complained to him about the fact that Allison had been telling herself that she did not have depression, for many years, and that when she was forced to, for want of a better description, be capable ... she would do that, but whenever I was around she didn’t seem to make any effort at all,” he said.

Baden-Clay agreed there was tension between them about making decisions in the household.

He agreed he told Dr George he was frustrated by his wife’s level of dependence on him.

Baden-Clay agreed he told the doctor he had some financial stress at the real estate agency and resented his wife purchasing an expensive treadmill.

He agreed he did not tell Dr George he was not having enough sex.

“I never wanted to put pressure on Allison additionally on our sex life and one of the side-effects of her medication was a loss of libido and weight gain ... it sounds pathetic,” he said.

Baden-Clay said he could not remember his wife’s 40th birthday.

Mr Fuller asked him if he remembered writing about it in a blog in 2008.

“I don’t recollect,” he said.

Mr Fuller read from the blog post, in which Baden-Clay wrote of trying to do the best impersonation of his wife, who had just turned 40, and was spending a week at the Golden Door Health Retreat.

*The trial will resume at 2.30pm.*

**3.30pm: The jury heard continued cross-examination of Gerard Baden-Clay by Crown prosecutor Todd Fuller QC.**

He asked Baden-Clay about the questions he and his wife spoke about at Mt Coot-tha on April 18, 2012.

Baden-Clay said he and his wife were probably away for half an hour, or maybe slightly longer.

He said they arrived home to learn his brother had a new baby boy.

The accused said the family was happy but he could not comment on his wife’s happiness because she went straight to bed.

Baden-Clay agreed he did not tell police about the conversation on April 18 because they had not asked him about it.

Mr Fuller suggested to Baden-Clay that would have been important to tell police.

The accused agreed he told police his wife had a past history of depression.

“I wouldn’t say it was the furthestest thing on my mind, no,” he said.

He said he told police he did not know if his wife was still taking Zoloft.

Baden-Clay agreed he was asked if there was any indication the marriage would end and he told them, “I hope not”.

He agreed he went into the house with a police officer to talk about his extramarital affair.

Baden-Clay agreed those conversations did not take place in front of his father, Nigel Baden-Clay.

“At that point in time my primary concern was for Allison’s safety or whereabouts, I expected her to be walking in the door at any moment ... at any moment I anticipated she would be back so no, I did not discuss the fact I had been in communication with Toni McHugh since September the year before, that’s correct,” he said.

The accused said he phoned Ms McHugh to ask her to tell the truth on April 20, 2012.

“I wanted to know what Toni’s position was,” he said, adding that it was not his belief they were still involved.

Baden-Clay told the court his wife never asked him how many people in his office knew about the affair.

He said Ms Baden-Clay did not ask him whether he would be able to “live with the guilt”.

The jury was shown another page from Ms Baden-Clay’s diary.

Mr Fuller asked the accused to read the next line.

“I couldn’t go back to her even if I wanted to,” he read aloud.

He said he did not know why his wife had written that.

Baden-Clay said his wife and her friend Kerry-Anne Walker went away together for her 40th birthday in 2008.

Mr Fuller took him to a line she had written near to her dot-point marked “40th birthday”, which read “4 weeks later started”.

“I was never asked the question but she’s obviously referencing that’s when the affair started,” he said.

Baden-Clay said he did not know why his wife had written in her diary: “Why so mean?”

“I don’t know and if she had been able to ask me that question she would have been able to expand upon that. We had recommenced our sexual relationship in about February that year after the best part of nine years with hardly any ... and it was very awkward initially,” he said.

“There were a couple of occasions at the beginning where Allison was very self-conscious and very self-aware of what we were doing and I think she thinks that I laughed at the underwear that she was wearing and that’s not true.”

He said he did not tell his wife she smelled.

“Neither of us had a shower on one occasion and I said maybe we should have a shower and we smelled,” he said.

Mr Fuller asked the accused whether those questions were asked on April 19, 2012.

“That’s completely untrue,” Baden-Clay said.

Baden-Clay asked him why it was necessary to go out to ask the questions.

“It was something Allison wanted to do. She wanted to grab a coffee and go out,” he said.

Mr Fuller asked the accused about his calls with mistress Ms McHugh on April 19, 2012.

Baden-Clay agreed she usually called at that time, in the early evening or late afternoon, to avoid coming into contact with his wife.

He agreed he spoke to her for about 7 minutes.

The accused agreed Ms McHugh called him again around 5.15pm and the call lasted roughly 10 minutes.

Baden-Clay agreed they spoke again for another 13 minutes at 5.25pm.

He said it was more or less one phone call.

Baden-Clay agreed that meant they were speaking together for around half an hour.

“Probably would have mentioned that, she would have been describing what she was doing. But as I discussed before the predominant part of that second conversation was her talking to me,” he said.

The accused said Ms McHugh spoke to him about starting a new job and he was keen to find out how it was going.

He agreed Ms McHugh would have called him earlier in the week, as well.

Baden-Clay said it was not a major issue that Ms McHugh would be at the real estate conference with his wife.

He agreed Ms McHugh was aggressive on the phone and “lost it”.

Baden-Clay said Ms McHugh yelled at him and suggested it was disrespectful he had not told either his wife or her they would both be at the conference.

“That was part of how Toni reacted to certain things, she was quite volatile ... so I anticipated she would ... be prepared to deal with it if she happened to see her. She was volatile with me, I had no concerns with her being an issue towards Allison,” he said.

The accused agreed Ms McHugh wrote in an email on Monday, February 20, 2012 that she was angry and sick of taking a backseat to his relationship with his wife.

But Baden-Clay said he did not believe she was capable of being confrontational with his wife.

“You understand, as I’ve just explained to you before, I had known her for a period of over four years and I knew she had these explosive moments and cooled down afterwards,” he said.

Baden-Clay maintained he did not believe there would be any risk if the two women in his life met one another at the conference on April 20, 2012.

He said he did not tell his wife Ms McHugh would be at the conference because he did not want her to know he was still in contact with his mistress.

Baden-Clay said he did not intend to leave his wife for Ms McHugh, despite emails claiming he would do so being sent from his secret Bruce Overland account.

Mr Fuller asked the accused why he was not afraid of Ms McHugh providing the emails to his wife.

He said it had not crossed his mind.

“As I say, I don’t know how many times I can say it, it was not my concern there would be that issue,” he said.

**3.55pm: Gerard Baden-Clay said his mistress Toni McHugh called him from the real estate conference on April 20, 2012.**

He agreed he told her his wife was missing.

Baden-Clay said he phoned Ms McHugh the next day.

He said his lawyer had warned him the police would be investigating him because he was the spouse of a missing person.

“I called her to simply forewarn her that might occur and tell her to tell the truth because my primary concern was to try and find Allison,” he said.

Crown prosecutor Todd Fuller QC quipped: “Well, Toni McHugh had nothing to do with the disappearance of Allison?”

Baden-Clay: “I don’t know.”

The accused said Ms McHugh contacted him after being “interrogated” by police and told of contact he had with other women.

He said he met with her face-to-face.

“I told her that the relationship with Hammond had been before we got together and I told her the relationship with Crane, whilst it was while we were together, it was meaningless,” he said.

“Because I was concerned about her and I just wanted her to be ... not do anything silly.”

Baden-Clay said he did not know if Ms McHugh was still loyal to him.

He said he told her to find someone else and not for the first time.

Mr Fuller asked Baden-Clay about his mobile phone, describing it as his “life-blood” as a real estate agent.

“Where was it when you picked it up in the morning of the 20th?” he asked.

Baden-Clay said it was on the charger on his bedside table when he woke up.

The jury was shown a photo of his main bedroom, showing a bed and white bedspread with a blue throw, a coat hanger and a hair brush on it, as well as a treadmill near to the window and a lace curtain draped across it.

Baden-Clay said he did not tidy up the bedroom on the morning of April 20, 2012.

Another photo showed his white iPhone charger cord looped through a handle of his bedside drawer.

“I didn’t put it on the charger, no,” he said.

“I was asked previously as to whether at some ungodly hour in the middle of the night I put it on and I have no recollection of that.”

Baden-Clay said his wife’s side of the bed was “sort of folded back”.

“So it gave me an indication that it looked like she probably had been in bed at some point,” he said.

The accused said when he made the bed he would not have made it “like that”.

He said he thought someone else may have moved the doona cover.

Baden-Clay said it was “hard to say” whether the bed looked slept in.

The accused took the jury through the bedroom photo by photo, pointing out his wife’s dressing table and their walk-in wardrobe.

He said he did not see his wife’s pyjamas when he woke up that morning.

“Well the, the, I don’t know where her pyjamas were, they may have been in the laundry basket, I don’t know but her shoes were missing and one of the pairs of leggings she tended to wear when she went walking wasn’t there,” he said.

He said he did not connect his phone to the charger at 1.48am.

Baden-Clay said he used his phone up until the last text messages he sent at roughly 8.30pm on April 19, 2012.

“I don’t think I had my phone after that,” he said.

Mr Fuller suggested he did have his phone and he put it on the charger next to his bed.

Baden-Clay: “I did not.”

The accused said he woke the next morning, took his phone off the charger and sat on the toilet.

He said he had not driven the Holden Captiva the previous night.

Baden-Clay agreed they had only had the Captiva for about eight weeks at that time.

He agreed his wife had not complained of bleeding in the car or a chipped tooth.

“No, I don’t remember that,” he said.

Mr Fuller suggested his wife had no plans to walk that morning.

“Well, she did,” Baden-Clay replied.

Baden-Clay said his wife would have preferred to keep the phone after he went to bed.

He agreed he was rushing the next morning when he shaved.

Mr Fuller asked him how he injured his hand.

Baden-Clay said the tip of the screwdriver going into his hand was what caused him to cut his hand a day earlier while fitting a light.

Mr Fuller: “I suggest what you did to your face was not a shaving injury.”

Baden-Clay: “It was.”

Mr Fuller: “That came about when your wife scratched your face?”

Baden-Clay: “She did not.”

Mr Fuller: “At a time when your wife was struggling with you?”

Baden-Clay: “No she did not.”

He agreed it was a significant injury to his face but said not everyone asked him about it.

“Not everybody who saw me, but some people who saw me did,” he said of the marks on his cheek.

Baden-Clay agreed he had a problem with the plant Cat’s Claw at his house and there were Crepe Myrtle leaves in the backyard, which were falling at that time of year.

**4.35pm: Gerard Baden-Clay said he did not remember telling a police officer he and his wife were “on the bones of their ass” on April 20, 2012.**

He added they were not “flush with cash” at the time.

Crown prosecutor Todd Fuller QC honed in on Baden-Clay’s business dealings.

The accused said he had shifted from a desire to open several smaller offices to building one large, centralised office.

Baden-Clay said salaries paid to individual partners of roughly \$5500 per week was not a sustainable model because money was not being reinvested back into the business.

He said the Lexus he bought was a poor financial decision, adding that his children had named it "Midi", short for "Midnight", or as he liked to refer to it, "a midlife crisis".

Baden-Clay said he had a contract to purchase the rent roll of his real estate business.

He said he and his wife had some investments but by April, 2011 had not liquidated them to help the business, instead accepting \$270,000 from a trio of friends.

He said his business partners wanted to close the doors in 2011 but he did not.

He agreed the business incurred significant expenses and that was compounded by the floods.

"I think without the floods we would have been able to trade out of that situation but the floods really knocked us around," he said.

Baden-Clay agreed he bought out his partners' share of the sales business for \$1 each.

He agreed he wrote partner Jocelyn Frost a cheque for \$10,000 as part of an incentive plan paid in advance but she left the business, while still owning a 50 per cent share of his rent roll.

Baden-Clay said loans from his friends were unsecured.

He agreed he was risking some of their capital.

Baden-Clay said he was still to determine how the money would be repaid as well as the terms of the agreement in April, 2012.

He said some of their discussion centred on whether his three friends and investors would take an equity share of the business down the track or a share in the rent roll.

The accused said Phil Broom and Jocelyn Frost each paid \$25,000 to buy into Baden-Clay's real estate business.

Mr Fuller asked Baden-Clay whether borrowing from his long-standing friends had put pressure on him.

The accused agreed.

Baden-Clay said he had conversations with Century 21 chairman Charles Tarbey, as well as other financial institutions, to secure finances to buy out the rent roll by a contract dated on November 23, 2011.

He agreed the rent roll would cost him \$300,003.

Baden-Clay said he was not able to secure the money at that point.

He said he did not remember discussing borrowing more money from his friends in order to purchase the rent roll.

The accused agreed he asked Moggill MP Dr Bruce Flegg, instead.

He said the variation of the contract was finalised on December 20, 2011, reducing the sum payable from \$300,003 to just \$30,000.

Baden-Clay agreed the remaining \$270,000 was due on June 30, 2012 with a 90-day extension option.

The accused agreed the variation of the contract required him to pay \$1200 to one partner, and \$600 to the other, in the meantime.

“That was an agreed interest payment ... on the amount of moneys that was still outstanding to settle the contract,” he said.

He said if he missed a payment the whole business would revert back to its original shareholding.

“If I were indeed in such dire financial circumstances, I could roll up and depart the business relatively unscathed,” he said.

Baden-Clay said his friends went into the financial arrangement with him “with their eyes wide open” and understanding there was a risk they would lose everything.

The accused agreed Ms Susanne Heath phoned him in Dr Flegg’s stead in March, 2012.

He said Dr Flegg told him he wasn’t able to assist at that time but to contact him again.

Baden-Clay agreed he pulled Dr Flegg aside at a chamber of commerce meeting and questioned whether he had told others his business was in trouble.

He agreed he told Dr Flegg he did not want another equity partner in the business.

Baden-Clay said he did not believe he told Ms Heath he was facing bankruptcy if he could not secure a loan of \$300,000 from Dr Flegg.

He said he did not cry out of a concern for his business facing bankruptcy, but because Ms Heath asked him how he was.

“She said: ‘How are you?’ and I remember I actually broke into tears at that moment because nobody ever asked me how I was,” he said.

“I certainly may have indicated to her that I was keen to get the funding from somewhere but I wouldn’t have indicated to her that I was going to go bankrupt,” he said.

Baden-Clay said he remembered telling his mistress Toni McHugh he would sell the business on one occasion.

“But I wasn’t going to sell the business. I was yet again saying something to her to placate her and calm her down. I mean we’ve already been through this across two phone calls, 30 minute phone calls that we had that afternoon ... and by the end of the conversation it was my recollection she had calmed down a little bit,” he said.

Baden-Clay agreed he told Ms McHugh a lie that day, on April 19, 2012.

The accused agreed he had properties at Anstead and had driven over the bridge at Kholo Creek.

“That road, if you drive along it, at Mt Crosby Rd, becomes a roller coaster, I would have been aware it crossed a creek, maybe two, I wasn’t familiar with it,” he said.

Mr Fuller asked the accused about the police investigation into his wife’s disappearance on April 20, 2012.

Baden-Clay agreed both he and his sister had driven some of his wife’s walking routes, he had called his wife, her car and keys were at the house and the prospect was something serious had happened.

“My mind was in a spin, in a world of wondering what might have happened to her, obviously if she had slipped and fallen over and been knocked unconscious ... really that was foremost in my mind as to what might have happened,” he said.

He agreed he was asked about the nature of his relationship with his wife.

Mr Fuller asked the accused whether there were two possibilities of what had happened to his wife: that she was taken from the house or abducted while on her walk.

Baden-Clay: “That is a possibility and there are innumerable other possibilities, too.”

He agreed police searched his backyard and told him her phone had been triangulated to an area near their home, extending out 4km.

Baden-Clay agreed he told police he had an affair, he and his wife had been to see a counsellor, they had spoken about it the night before but did not fight or argue.

He agreed police asked him about his wife’s mental health, medication she was taking and the state of their relationship.

Baden-Clay agreed the police asked questions about the scratches on their face.

He agreed the police were doing all they could do to progress their investigation into where his wife was.

“There was one point when I had been sitting at the table ... when I said ‘what are we doing sitting around here, why aren’t we out looking for Allison, that’s what I want to be doing now... how are we going to find Allison if we are all standing around here?’” he said.

He said his wife committing suicide or wandering off on medication was “not at the forefront of his mind”.

***The trial will resume at 10am Tuesday 2<sup>nd</sup> July 2014***