

10.50am: The jury will this morning hear continued evidence from the 33rd witness in the trial, Toni Cheri McHugh.

She was having an affair with the accused between 2008 and 2012.

In cross-examination by barrister Michael Byrne [QC](#), for Baden-Clay, Ms McHugh agreed she had been in a “difficult relationship” for many years with her own husband at the time.

“We had a long relationship that was based on love and respect for each other, it was fraught with some differences, our children were our priority so Gerard was a part of ending that relationship from my point of view, I had very strong feelings of attachment to Gerard and I wasn’t going to remain in that marriage with Rob, I couldn’t,” she said.

Ms McHugh said the “Bruce Overland” account was an email Baden-Clay used prior to her relationship with him and agreed he may have used it to contact property agents.

She agreed Baden-Clay told her the relationship could not continue in September, 2011.

Ms McHugh agreed that although she made attempts to continue the relationship with Baden-Clay, she was met with refusal.

She agreed Baden-Clay told her words to the effect of “one day we’ll be together” in December, 2011, but nothing ever changed to make that happen.

Ms McHugh agreed it was an example of the ongoing “pattern” they were in.

The jury was shown an email from Ms McHugh to the Bruce Overland account sent on February 20, 2012 in which she told him she was “sick of being second best”.

He drew her attention to the line she wrote asking him: “Why should I believe things are going to be any different than the past?”

Ms McHugh agreed it was an example of how she was feeling at the time.

The jury was shown an email from Bruce Overland to Ms McHugh on April 3, 2012 telling her that he would be separated by 1 July”.

Ms McHugh agreed it was another example of Baden-Clay “talking the talk” although nothing changed between them.

“Angry, um, frustrated, yeah ... I was getting on with my life and he was getting on with his and that was an agreement with an intention to be together,” she said.

She agreed those frustrations included her hanging up on him over the phone.

The jury was shown an email in which Baden-Clay told her to “leave things to me now” on April 11, 2012.

Ms McHugh said she “always left things to Gerard”.

Mr Byrne: “Of course you did and nothing ever happened, did it?”

Ms McHugh: “No.”

She said she “wasn’t expecting it to happen in days” although she expected they would one day, be together.

Ms McHugh agreed she phoned Baden-Clay and became angry when she found out his wife would be attending the same real estate conference as her on April 19, 2012.

“He was telling me that’s what was happening and he was sorry that was happening,” she said.

She agreed she felt like she was “being played again”.

“It’s a symptom of an affair, isn’t it?” Ms McHugh asked.

Mr Byrne: “Very much so, Ms McHugh, and that’s what this was, an affair.”

She said she had trusted Baden-Clay and agreed in retrospect that trust was not well founded.

“Played ... I was angry with myself, as well,” Ms McHugh said.

She agreed she did not want to believe that she was being “led up the garden path again”.

Ms McHugh said she decided she needed to know what was going to change between her and the accused on April 19, 2012 and over the phone, asked to meet with him.

“I needed to understand, actually, understand what was in Gerard’s mind, I needed to understand how he was going to resolve financial problems,” she said.

But she agreed Baden-Clay never responded to her request.

Ms McHugh said that on that day, the conversation was not the same pattern the pair were involved in since the commencement of the affair.

“It was different because I was taking more of a stand, I wasn’t going to allow it to keep happening,” she said.

She agreed the next day she called the accused to ask him whether his wife attended the real estate conference.

Ms McHugh agreed Baden-Clay told her his wife was missing.

"I recall him telling me that there had been police but it was clear he couldn't and it wasn't appropriate to be talking," she said.

Ms McHugh agreed Baden-Clay told her the police knew about their affair on April 21, 2012 and urged her to "tell the truth".

She said her last face-to-face meeting with the accused took place in June, 2012.

Ms McHugh began to sob and covered her face with her hand.

She agreed that by then she had given several statements to police.

Ms McHugh agreed police told her certain things about Baden-Clay at one of the meetings, including that he had been in relationships with other women.

She said the context of the last meeting with Baden-Clay was in the context of being angry in light of that information.

"I had asked him to explain," she said.

"I knew of these women, I didn't need to do Google searches. I knew who they were and I knew one more than the other," she said.

Ms McHugh agreed that after she met with the accused in June, 2012, she gave another statement to the police.

It was dated July 17, 2012.

She agreed she told police she met with Baden-Clay for 1.5-hours in June and he urged her to "fall in love with someone else".

Ms McHugh agreed she knew the accused's father, Nigel Baden-Clay and was aware of his previous involvement in life insurance brokerage.

She agreed he once recommended she should take out a [life insurance policy](#).

Ms McHugh agreed the accused never discussed with her the circumstances of his wife's disappearance.

In re-examination by Crown prosecutor Todd Fuller QC, she agreed the July 1, 2012 date was the first time Baden-Clay had ever confirmed a date with her for the end of his relationship.

She said Baden-Clay told her about affairs he'd had with other women at their meeting in June, 2011.

"He referred back to a meeting we had that very first meeting just before Christmas where he said there are some things that I need to, one day, tell you, it's not the time now, but one day," she said.

“He went on to tell me that the fact that he’d had these affairs was what he was alluding to one day telling me and he told me that they didn’t mean anything.

“He didn’t need to name ... well, no, he didn’t.”

She said they discussed whether he had been seeing other women while they were together.

“The second, yes, we were definitely together when it happened,” Ms McHugh said.

She said the affair with a different woman took place while the accused was at a conference in Sydney and he had phoned her the next morning, asking her to travel down to meet him.

11.20am: The 34th witness in the trial is Kenmore clinic general practitioner Dr Nicholas Bourke.

He said he had worked at the Kenmore Clinic on Moggill Rd for just over three years.

Dr Bourke agreed Allison Baden-Clay was a patient at the clinic and first attended in March 12, 2001.

He said her last attendance there was the March 19, 2012.

“She called for a result on the 26th of March and was given a telephone result by one of the registered nurses,” he said.

Dr Bourke said Ms Baden-Clay attended the clinic of March 19 for a pap-smear.

“She discussed that she’d been having premenstrual mood swings,” he said.

She said the doctor discussed with her that she had been on Zoloft since 2006 as well as issued a prescription of Zoloft of 100mg per day.

“As far as I’m reading to the notes it seems to be they were related to her menstrual cycle,” he said of the mood-swings Ms Baden-Clay complained of.

Dr Bourke agreed Ms Baden-Clay saw him for consults in May, August, September and October, 2011.

He said Ms Baden-Clay came to see him on May 30, 2011, to say she had experienced a recurrence of symptoms of depression in the past in the context of external stressors such as finances.

He said she was keen to restart Zoloft medication on a dosage of 50mg.

Dr Bourke said he did not refer Ms Baden-Clay to a psychologist until August 8, 2011.

He said he did a mental health plan for Ms Baden-Clay and she scored 18/50 on an indicative test for distress or depression, which indicated “there was not a significant level of distress at that appointment”.

Dr Bourke said he met Ms Baden-Clay again to review blood test results on September 20, 2011.

He said there was a slight abnormality in her thyroid test and her iron levels were still slightly abnormal.

Dr Bourke said the consultation did not relate to mental health issues.

He said he saw Ms Baden-Clay for the final time on October 6, 2011.

He said she told him her husband was having an affair and that she was distressed but had spoken with him and requested a referral to a relationship counsellor.

Dr Bourke said she also requested an STI check.

He said Ms Baden-Clay told him the affair had been ongoing for approximately three years.

Dr Bourke said he discussed increasing Ms Baden-Clay’s Zoloft medication from 50 to 100mg each day.

“My impression of her depression was it was a relapsing ... course over a number of year and this was, if you like, a routine flare-up when perhaps acute stress came along,” he said.

“My impression was this was a flare-up of her usual depressive illness over a number of years.”

He said his opinion was Ms Baden-Clay was not a high risk of suicide.

“I felt that she showed from that first consultation, even prior to the final consultation discovering her husband’s infidelity, she had a high level of resilience and had good insight,” Dr Bourke said.

Dr Bourke said Zoloft was a common “re-uptake inhibitor” anti-depressant that increased the levels of a neuro-transmitter called serotonin in the brain.

He said the purpose of the next consultation in March, 2012, was for a pap-smear.

In re-examination by barrister Michael Byrne QC, for Baden-Clay, Dr Bourke agreed he had been a GP for 3.5 years in terms of passing his exam but in May, 2011 had been a GP for 2 years.

Dr Bourke agreed that Ms Baden-Clay complained of “bad mood-swings” in March 19, 2012.

He said she had never discussed feeling suicidal.

Dr Bourke agreed people could mask an expression of depression to both lay people and professionals.

"It's possible," he conceded.

In re-examination by Crown prosecutor Danny Boyle, Dr Bourke said he graduated as a doctor in 2004.

He agreed he increased Ms Baden-Clay's dosage of Zoloft to 100mg in October, 2011.

Dr Bourke said there was no increase in the dosage of Zoloft although a prescription was issued on March 19, 2012.

He said Ms Baden-Clay had disclosed her feelings of depression with him.

11.45am: The 35th witness in the trial is Life Resolutions psychologist Dr Lawrence Playfair Lumsden.

He said he saw Allison Baden-Clay to discuss her relationship with her husband on December 9, 2010.

Dr Lumsden said he administered a depression, anxiety and distress scale test if Ms Baden-Clay registered any symptoms of mood adjustment.

"Her test showed that her depression, anxiety and distress levels were absolutely normal," he said.

Dr Lumsden said there was "absolutely zero" chance she was a suicide risk.

"She spoke about the post-natal depression but also the other issues that she'd had around depression since the time of their marriage," he said.

"She discussed the depression as being in the past ... I was so impressed that I actually hoped to encourage her fourth-year studies and come and work with me."

Dr Lumsden said Ms Baden-Clay told him she was teaching resilience courses at the local school.

He said he saw Gerard Baden-Clay on December 14, 2010, December 21, 2010 and January 18, 2011.

He said the accused's test results on December 14 were normal although his stress levels were slightly elevated.

Dr Lumsden said Baden-Clay told him about his relationship with his wife.

"In the statement it says that Mr Baden-Clay said he wanted to leave his wife, that's a simplification," he said.

“The question of the future of the relationship was very complex and clearly if it had been a simple, straightforward matter of one relevant party saying this isn’t going to work, I want to move on, they would have done it.

“It wasn’t simple and so we were exploring different options about identifying exactly what needed to be done in terms of the long-term future of the relationship and alternative ways in which disengaging could have taken place.”

He said the accused did not discuss his affair, adding it was not unusual for clients not to tell him about extramarital relationships.

“He saw me three times. We explored options, clearly there was a lot of work to do,” he said.

Dr Lumsden said Brisbane experienced widespread flooding in between the sessions he had with Baden-Clay and they did not make much progress.

In cross-examination by barrister Michael Byrne QC, for Baden-Clay, he agreed the accused attended the sessions at the request of his wife.

He agreed Baden-Clay indicated that he wanted to work through a complex relationship.

“I think people at that stage were stuck between the dichotomy of staying or going and we weren’t making any progress on that so we were looking at other ways of giving each other a bit of space,” he said.

12.40pm: The 36th witness in the trial is Bardon Counselling Centre psychologist Rosamond Nutting.

She said she had been a psychologist since 1984 and had consulted with Allison and Gerard Baden-Clay between October and December, 2011.

Ms Nutting said the couple was referred to her by Dr Nicholas Bourke to discuss “relationship problems”.

She said the first consultation was October 13, 2011.

Ms Nutting said Baden-Clay had been having an [affair](#) for the past three years and although he was trying to end it, had been found out before that happened.

“Allison had been traumatised by finding out about the affair,” she said.

Ms Nutting said she spoke to the couple about the trauma Ms Baden-Clay had experienced, the way it had impacted her [self-esteem](#).

She read notes based on what the accused had told her: “I’m black and white on some things ... my actions are not who I am, I don’t believe in depression being an illness, I believe

people can snap out of it ... he said 'I'm the problem'... 'I was trapped' and he wanted to fix it."

She said Ms Baden-Clay was taking medication which appeared to be "covering her depression quite well".

She said Ms Baden-Clay talked about her history of anxiety, which started as a child, but had learned how to "push through it".

Ms Nutting said Ms Baden-Clay told her that during her honeymoon to America and was taking a weekly dose of lariam but fell into a depression soon after, to the point where she described being unable to "move with the depression" while living in the UK.

She said Ms Baden-Clay spoke about a significant [anxiety attack](#) during her second attack.

Ms Nutting said Ms Baden-Clay was quite impacted by the affairs, was sad but wanted to pick up the marriage and "get it going again".

"She had every hope that would happen," she said.

Ms Nutting said there were no [symptoms of depression](#) that she could pick up at the first consultation.

Ms Nutting said that Ms Baden-Clay was more "fragile" and "less positive about the relationship" at the second consultation on November 2, 2011.

"I don't know what had happened but she said that she had been lonely for the last four years and she said that she needed a hug from someone and she said that she thought about the woman Gerard was having an affair with, and when she thought about that, she took a step back from the relationship," she said.

"She just felt it was all unfair. She was having flashbacks of seeing Gerard's girlfriend's car at the gym and I felt this might have been holding her back from recovering and from the relationship recovering."

Ms Nutting said she wanted to do more work with Ms Baden-Clay to discuss the trauma and flashbacks.

She said the third consultation was on December 7, 2011.

Ms Butting said Baden-Clay told her he carried his "jealousy" into his marriage and had some "hang ups" about her previous relationships, while Ms Baden-Clay spoke of feeling a lot of "shame" over the affair her husband had.

"We were talking about the stresses in their lives, the impact of the affair on their relationship ... both of them did not want to hurt the other," she said.

She said Ms Baden-Clay appeared more composed, confident and positive that the relationship could be healed.

Ms Nutting said there was no suggestion Ms Baden-Clay was experiencing suicidal thoughts.

“Had I picked up on that I would have contacted her doctor,” she said.

In cross-examination by barrister Michael Byrne QC, for Baden-Clay, Ms Nutting agreed the couple felt positive about the relationship moving forward over the three sessions she had with them.

She agreed that on the first consultation, she found out Ms Baden-Clay thought she was “not good enough” and experiencing issues to do with trust and hyper-vigilance.

“Allison’s self-esteem was impacted by the affair, her self-worth in her self-esteem system was impacted, like she took on that she wasn’t good enough for Gerard,” Ms Nutting said.

She agreed Ms Baden-Clay told her she was a “bad wife”, had suffered from depression and was struggling with three kids.

Ms Nutting said a panic attack was an anxiety attack when a person would go into an “extremely anxious episode” that could last from five to 20 minutes.

“The person just breathes heavily, can just be out of it, virtually for five to 20-minutes, just struggle to even breathe for a while. They feel that they are going to die is virtually what happens with a panic attack, they think, often, that they are having a heart-attack,” she said.

Mr Byrne read from notes Ms Nutting made and attributed to Baden-Clay.

She agreed he told her he thought he was the problem and wanted to fix things.

Ms Nutting said Ms Baden-Clay told her she was an anxious child who vomited prior to performances but “pushed through it”.

She agreed Ms Baden-Clay told her she “freaked out” after taking larium and was “quite catatonic” with depression while living in the UK.

Ms Nutting agreed the accused commented that for him, it was like “who is this person?”

She agreed Ms Baden-Clay told her being unable to breastfeed her children made her feel upset.

Ms Nutting agreed Ms Baden-Clay told her she was experiencing flashbacks from a traumatic experience in November, 2011.

“I never did establish what had happened with Gerard to make him into a caretaker but he certainly wanted her to be fixed, he didn’t want her to be having these flashbacks and being so fragile about what was happening in the relationship,” she said.

“I don’t know, maybe he was feeling guilty, I don’t know.”

Ms Nutting said they were both very stressed at the third appointment in December but it was clear neither wanted to hurt the other.

She agreed the flashbacks Ms Baden-Clay was experiencing involved the other woman in the affair but had wanted to delve into it further one-to-one with her

“I actually wanted to help Allison with those flashbacks, perhaps one-to-one therapy to help relieve the stress and the hurt of the traumatic situation,” Ms Nutting said.

In re-examination by [Crown prosecutor](#) Danny Boyle, she said the flashbacks were mentioned at the consultations in both November and December.

She agreed Ms Baden-Clay mentioned panic attacks during ballet performances and her second pregnancy.

“I can’t remember any others although she alluded to panic attacks ... she did mention having depression and panic attacks, like a generalised...,” Ms Nutting said.

1pm: The 37th witness in the trial is [Relationships Australia](#) relationships counsellor Carmel Ritchie.

She said she had been in that role for 14 years this July. Ms Ritchie said she had a [Bachelor of Education](#), a [graduate diploma](#) and a Masters in Counselling.

She said she consulted Allison Baden-Clay on March 27, 2012.

She agreed she met both Gerard Baden-Clay and his wife on April 16, 2012, but spent most of the session with the accused. Ms Ritchie said she took notes of both consultations.

She said the appointment for March 27, 2012 was booked by Ms Baden-Clay on March 12.

“Later at about 2pm approximately she rang again and made an appointment also for the 26th of March, a Monday, and that appointment was for herself and Gerard,” she said.

But Ms Ritchie said she cancelled the appointment on March 26 because she had to attend a funeral.

She said Ms Baden-Clay told her she was feeling “inadequate”, not good enough and believed she “let it happen”, that “Gerard’s way was the right way”, and that she “feared that one day he will leave”.

Ms Ritchie said Ms Baden-Clay told her she wanted to work on herself and “sort lots of issues, especially the parenting”.

She told the court she first worked on establishing rapport with her client and essentially spent the first session gathering information.

Ms Ritchie said she asked her client for a snapshot of who they might be, based loosely on three questions, which included discussing hobbies and interests and what they were good at.

She said Ms Baden-Clay told her she was a mother of three girls, who worked with her husband in a [real estate agency](#), was a ballet dancer and teacher who was studying psychology at university, spoke two languages, and had a severe reaction to an anti-malarial drug on her honeymoon that resulted in chronic depression with [psychotic episodes](#).

Ms Ritchie said she told her she had experienced [panic attacks](#) and her husband's attitude was "get over it".

She said Ms Baden-Clay told her she had seen a psychiatrist during her second pregnancy and lastly, that her husband had been having an affair for around three years.

Lunch recess taken back at 2.30pm

3pm: The jury is continuing to hear evidence from the 37th witness in the trial, Relationships Australia relationships counsellor Carmel Ritchie.

Ms Ritchie said she noted that after Allison Baden-Clay told her the affair began on August 27, 2008, the couple had celebrated their anniversary on August 23, 2003.

"I confronted him immediately, he is now honest and takes responsibility," she said.

"He blames me for the depression. She said she had spent the past 10 years saying 'I am not depressed'."

Ms Baden-Clay said she surprised him by asking him "What's wrong with us?" and he told her he wanted to leave the relationship.

She said Ms Baden-Clay told her she thought her husband was having a mid-life crisis.

Ms Ritchie read her assessment of the consultation to the jury.

She said Ms Baden-Clay told her Mr Baden-Clay was "ambitious and leader-like".

She said Ms Baden-Clay felt her husband had high expectations of her and her children and she felt as though she was not good enough.

"Gerard did not understand about depression and he told Allison that it is all in her mind and generally get over it. Gerard blames Allison's depression for the affair," she read.

"Gerard says Allison is not the girl he married but then, Gerard has also changed. He used to be kind and emphatic but changed in the past couple of months to a 'look after myself-only' attitude."

Allison and Gerard at the time of their engagement.

Allison and Gerard at the time of their engagement. Source: News Corp Australia

She wrote that Ms Baden-Clay told her the goal she had was to look after herself and to look at her parenting, while Mr Baden-Clay's attitude to the affair was to "wipe it clean".

"She has unhelpful beliefs about a wife's role and is a conflict avoider," she read from her assessment of the consultation.

Ms Ritchie said Ms Baden-Clay told her she had spent the last 10 years saying "I'm not depressed".

She said Ms Baden-Clay's mood was of relief on the day of the appointment.

"I think that she left with hope, I think that she was hopeful when she went, I thought she was in a good mood because she was actually doing something to help herself," Ms Ritchie said.

Ms Ritchie said the next appointment was on April 16, 2012.

She said Ms Baden-Clay and the accused turned up in the waiting room.

"Allison introduced me to Gerard and then I took Gerard into the counselling room," she said.

Ms Ritchie said Mr Baden-Clay told her about his achievements rather than his personal attributes.

"He said he worked in real estate, was the president of the chamber of commerce, vice-president of the P&C and was in the Real Estate Institute of Queensland," she said.

She said she asked Mr Baden-Clay if he could outline what he saw were the problems in the relationship.

"He said: 'Allison does not trust me, she questions me, she says yes when she means no. Allison's disappointment with her life and I used to blame Allison for disappointments in my life'," she read to the jury.

She said Mr Baden-Clay told her he wanted to build a future together, wanted to get on with life, not to regress and to "wipe it clean".

Ms Ritchie said the reason he came to counselling was because his wife wanted him to.

"Because Gerard had come, my total focus was the affair so I had to go straight into some kind of treatment for the affair, so I then began to explain to Gerard what had to be step one in trying to heal the damage in this affair," she said.

She said step one involved him sitting and listening to his wife's feelings about the affair every second night until their next appointment.

“Gerard felt that was in the past and I explained that past was very present and painful for Allison, so that was the step that he had to take,” she said.

“I found Gerard was very resistant to that, he felt that was regression, and so I had to reiterate a number of times what had to happen and this was absolutely step one.”

Ms Ritchie said that eventually, Mr Baden-Clay agreed he would sit down and listen to his wife’s feelings for a minimum of 10 minutes – no more than 15 minutes – and that any talk of the affair was to be limited to that time.

“There was to be no talk of it other than that,” she said.

“To simply listen was his role.”

Ms Ritchie said the rest of the session together was spent explaining the listening exercise to Ms Baden-Clay.

She said Mr Baden-Clay never gave her any information about the current status of the affair or that it was continuing.

“I thought she was very hopeful when she left, you know? Something was being done about this,” she said of Ms Baden-Clay’s mood on April 16.

Ms Ritchie said she asked them to see her in a fortnight.

“I considered that relationship was in a crisis and two weeks was plenty of time,” she said.

3.20pm: In cross-examination by Michael Byrne QC, for Gerard Baden-Clay, relationships counsellor Carmel Ritchie said she wasn’t sure whether the accused felt comfortable when he spoke to her in the session.

She said Allison Baden-Clay was a conflict-avoider, which meant that if there was an argument she would avoid it.

Ms Ritchie said she had spent the last 10 years saying she was not depressed.

“I didn’t know whether she was still suffering depression or not. When Allison was still talking about her depression for me, I got the impression her depression was well managed and it was not an issue for her at this time,” she said.

She agreed it was important to have a background discussion with Gerard Baden-Clay, as she had with his wife.

Ms Ritchie said she did not remember Baden-Clay telling her about his commitments to helping and supporting others or talk about his children.

"I think had Gerard mentioned his children I would have put that down because that was important to me when I asked Gerard about who he is, I would hope he would mention his relationships," she said.

"No, I don't remember him talking about his children."

She said she did not remember Baden-Clay telling her about supporting his wife, either.

Ms Ritchie agreed she made no enquiries about medication Ms Baden-Clay was taking, although she told her she had taken Zoloft previously.

"Her goal was to work on herself and I gathered it was because she was blaming herself for the affair," she said.

"Her task for me was to work on herself, to change herself to a stronger person, to someone who had a voice in this relationship."

The jury was shown an excerpt from Ms Baden-Clay's diary, and a hand-drawn plan of the unit of the woman with whom the accused was having an affair.

The page was dated as April 18, 2012.

"Gerard's role, the only role that he had to have, was to sit and listen to Allison's feelings to the impact on her of what this affair had meant, he was not to be defensive and nor was he to blame Allison," she said.

She said Ms Baden-Clay's role was to express her feelings around the affair.

"I told her it was an expression of feelings," Ms Ritchie said.

She said she could not remember if she told the couple to do so, but normally she would have asked that questions around the affair be restricted to the counselling room.

"I don't remember, I'm sorry. It is normal practise for me to say that," she said.

Ms Ritchie said the diagram drawn by Baden-Clay in the diary was not the type of discussion she would have advised the couple to have.

"I honestly think there has to eventually be that kind of transparency, I think it is easier for Allison to deal with facts than to deal with her fantasies or fears, so I think it's not such a terrible thing to have happened," she said.

Mr Byrne asked Ms Ritchie to put that into the context of Ms Baden-Clay's long-term depression including daily doses of Zoloft.

Mr Byrne: "Is that a good idea for someone in Allison's situation?"

Ms Ritchie: "It would be extremely uncomfortable for her but dealing with facts is sometimes easier than fears or fantasies. It isn't what I asked of them, no."

3.30pm: The jury was played a 000 call from Gerard Baden-Clay to police at 7.15am on April 20, 2012.

It was three minutes and 30 seconds long.

The operator asked him where he was.

"Good morning, Brookfield. 593 Brookfield Rd, Brookfield. Um ... my wife isn't home and um, I don't know where she is," it said.

He told the operator he last saw his wife when he went to bed the night before.

"Last night when I went to bed ... I got up this morning and she wasn't there and that's not unusual she often goes for a walk in the morning," he said.

He said her wife had planned to leave for the city at 7am.

"I'm now driving the streets and my father has come over to look after my children," he said.

Baden-Clay told the operator his wife's name was Allison and she was 44.

He gave the officer a description of his wife, adding that she just had her hair done.

"She got it done last night its sort of a blonde-y, brown, reddish look. Shoulder-length," he said.

He said she was roughly 5 foot 6.

3.50pm: The 38th witness is Constable Kieron Ash, who in April 2012 was stationed at the Indooroopilly police station.

He said he was tasked to attend the Baden-Clay family home at 7.30am on April 20, 2012.

Constable Ash said when he arrived, a woman he later found out was Olivia Walton, was coming down the front stairs with three children.

He said they hopped into the blue car and went to school.

"Shortly after that Gerard Baden-Clay made himself available to us by walking down the front stairs," he said.

"He was dressed in a business shirt that was pin-striped, business style pants on and he had cuff links. When I first saw him I noticed that he had scratches on the right hand side of his face."

The jury was shown a photo of the scratches on the face of the accused.

“When I saw them I believe they were redder and the skin was raised around the scratched areas,” he said.

He said Nigel Baden-Clay was also at the house.

“He walked down the stairs, stood in front of us and put his arm around Gerard,” he said.

Constable Ash said on first meeting Baden-Clay, he told him he was there in relation to a missing persons report.

He said the accused asked him to move his car because he had blocked his sister in.

“He said that she’d (Allison) gone for a morning walk and had not yet returned,” he said.

“He was unsure of the exact streets that she used.”

Constable Ash said Baden-Clay told him his wife fell asleep on the couch while watching The Footy Show about 10pm the night before.

“He didn’t know what time she got up,” he said.

“I asked him how the relationship was going and was there any issues within the relationship. “He told me that he’d recently had an affair which Allison was aware of and there was some tension between the couple due to the nature of the affair and that Allison did not trust him and that they had a counsellor who had advised him they needed to spend approximately 15 minutes a day talking about the affair and the information.”

He said the accused asked him not to share that information with his father or sister.

“He told me he had cut himself shaving that morning because he was in a hurry trying to prepare lunch for the girls, dress them, get them breakfast,” he said.

Constable Ash said Baden-Clay told them he had driven a few streets in the area in the Holden Captiva.

He said he then looked through the house, including the main bedroom and ensuite.

The jury was shown a photo of the ensuite bathroom as it appeared that morning.

He said he asked about any belongings his wife may have taken with her.

“He was unsure, then we noticed a handbag belonging to Allison on the floor just outside the main bedroom and next to the dining table where we were sitting,” he said.

“We emptied the contents onto the floor and we were looking for a mobile phone but we didn’t find one.”

The jury was shown a photo of the couple's dining room.

He said the accused told him he thought his wife would be wearing gym clothes.

"I went outside and looked both in the Captiva and the Prado for the mobile phone," he said.

"I located some medication that belonged to Allison in the central console of the vehicle, between the two front seats just behind the handbrake."

Constable Ash said he took the medication out and placed it on the bonnet of the car.

The jury was shown a photo of the box of Zoloft prescribed to Allison Baden Clay that he found.

He said there was nothing in the Prado that was of interest and he failed to find the phone in either car.

"I asked Gerard for the phone number and I rang the phone several times and each time it went to message bank," he said.

Constable Ash said Nigel Baden-Clay was sitting in a lounge chair.

"Whilst I was at the house, some other police officers turned up after a while and I went outside to the front of the house and I observed Baden-Clay's father Nigel take a vacuum cleaner and a green garden hose and put them into his Holden Statesman," he said.

He said he had been at the house for about 30 to 40 minutes when more senior police arrived.

In cross-examination by Michael Byrne QC, for Baden-Clay, he agreed the accused told him his father was helping him to do some maintenance at a rental property when he was found carrying the vacuum.

Constable Ash agreed the box of medication he found was empty.

He agreed Baden-Clay consented to him looking in the cars and through the house.

"At that point, being a police officer and being a first response police officer, I thought it was possible that perhaps domestic violence had taken place or something else had taken place," he said.

Constable Ash agreed he found nothing, no evidence of a struggle and no damage to the house.

"I looked in the sink, the waste paper basket, the sink hole and the towels in the basket and found no trace of blood," he said.

He agreed he saw no evidence of violence.

Constable Ash agreed he arrived about 8am with his partner.

He said he contacted the district duty officer and further police arrived at the house on Brookfield Rd.

Constable Ash said the first police to arrive were senior sergeants, including the district duty officer, while up to five police from Indooroopilly Criminal Investigation Branch also arrived.

He said an inspector turned up later in the day.

He said he remembered police doing a line search for the mobile phone later in the day.

“At the peak time? I could estimate maybe 15 to 20 police officers,” Constable Ash said.

4.10pm: The 29th witness in the trial is Constable Liam Braunberger who was stationed on general duties at the Indooroopilly police station in April, 2012.

He said he was asked to get crews out to Brookfield about 9am on April 20, 2012.

He said he was asked to triangulate a missing phone to give a rough estimate for its location.

“I was responsible for disseminating the map for that triangulation,” he said.

He said he was asked to start an occurrence report for the missing person later that day.

Constable Braunberger said he was given details of the missing woman’s physical description and more, and entered them into the police computer database, called Q-Prime.

He said he had a brief conversation with Gerard Baden-Clay.

Constable Braunberger said the accused told him his wife banked locally at Kenmore and had about \$20 in her account because they were “on the bones of their ass”.

He said Baden-Clay told him his wife had experienced post-natal depression for the past seven years and took Zoloft for it.

In cross-examination by barrister Michael Byrne QC, for the accused, Constable Braunberger agreed the conversation he had with Baden-Clay was not taped and took place on April 20, 2012.

He agreed he made no notes of the conversation and gave a statement one week later.

Mr Byrne: “Can I suggest he did not say anything to you about ‘we are on the bones of our ass?’”

Constable Braunberger: "That would be incorrect, that's the one thing that stands out in my mind."

4.30pm: The 40th witness in the trial is Indooroopilly police Sgt Andrew Jackson.

He said he attended 593 Brookfield Rd at Brookfield with his district duty officer Sen-Sgt Narelle Curtis at 8.34am on April 20, 2012.

Sgt Jackson said he was the shift supervisor.

"I've seen an elderly gentleman carrying a vacuum cleaner," he said of the moment he arrived at the house.

He said he activated a digital recorder as he walked up the driveway.

Sgt Jackson said he saw Baden-Clay walking down the steps and he introduced himself.

"He was dressed in business clothing, suit pants, long sleeve business shirt and wearing a tie," he said.

"As soon as he looked at me straight on I saw a couple of large lacerations to the right side of his face. Their appearance to me was that they were slightly jagged and the wound itself was quite recent in that it was very moist, it wasn't scabbed up at all."

Sgt Jackson said he went into the house and sat at the dining table as the accused answered some questions.

He said Nigel Baden-Clay remained outside while Olivia Walton had come back into the house and was talking with another officer.

Sgt Jackson said he asked them to leave the house so they could talk privately with the accused.

The jury was shown a series of photos of the house interior.

"Gerard had a laptop sitting right in front of him as I was talking to him. I recall that as he was trying to find a photo of his wife as we were talking to him," he said.

Sgt Jackson said he went into the main bedroom and noticed it was clean, clear and the bed had been made.

The jury was shown a photo of a white bedspread across the bed, a lace curtain pulled aside near the fly-screen window, a treadmill and a couple of wooden cupboards. On the bed was a wire coat hanger and a blue scarf or throw.

The carpet was pink and the three sliding doors to the wardrobe were mirrored and edged in gold.

A dressing table with a mirror was cluttered with products, while a blue washing basket sat on the floor near to some women's shoes.

He said he requested police assistance to look for the missing person.

"I made the decision to call further police out, it was a very cold morning, Mrs Baden-Clay had been missing for a number of hours by that stage," he said.

He said the area was rural residential property between 2.5 acres up to 10 acres or more.

Sgt Jackson said his attention was eventually drawn to the Holden Captiva in the car port, where a packet of prescription medication was found.

"I noticed most of the medication had been consumed," he said.

The jury was played the 24-minute recording Sgt Jackson took on the day.

In it, Baden-Clay told the two officers he had recently had a car accident.

"As I was discussing with the constables before it's been pretty good, she has had a past history of depression, she has in the past that has been managed by medication" he said.

"I'm not a hundred per cent sure about that, Kieron was asking me before, we haven't really discussed it for a long time, it used to be a daily dose of Zoloft."

Sen-Sgt Curtis: "So Gerard, you and your wife are estranged are you?"

Baden-Clay replied: "No..."

He told the police he and his wife's relationship had been put under strain and they had been to see a counsellor together.

"Overall it was a pretty positive thing I think, she had seen her previously in Spring Hill, we've been to a couple of different counsellors ... I thought overall it was a very positive thing, there were some strategies ... it's about rebuilding the trust," he said.

He said he did not know if his wife slept with him: "I'm a heavy sleeper and a snorer."

Baden-Clay said it wasn't unusual for his wife to fall asleep on the couch, maybe once a fortnight.

He said his wife walked in the mornings.

"I was going to say regularly but it's intermittently now," he said.

"We're both trying to lose weight."

The accused said his wife either wore a black walking out or a grey one and the grey tracksuit was missing.

“She has a singlet top ... three-quarter length things, daggy old ones, she bought some new Lorna Jane ones and they are here,” he said.

The trial will resume at 10am.