



QUEENSLAND POLICE SERVICE
STATEMENT OF WITNESS

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Occurrence #: QP1200378191

Statement no.: _____ Date: 24/04/2012

Statement of

Name of witness: BASSINGTHWAIGHTE, BENJAMIN GERALD

Date of birth: 24/03/1977 Age: 35 Occupation: _____

Police officer taking statement

Name of police officer: THOMSON, KELLIE ANITA

Rank: Constable

Reg. no.: 4020666

Region/Command/Division: METROPOLITAN
NORTH
INDOOROOPILLY

Station: INDOOROOPILLY CIB

Statement:

Benjamin BASSINGTHWAIGHTE States:

1. I am a married 35 year old male who lives at an address provided to police.
2. I am a police recruit of the Queensland Police Service and my registration number is 4030897.
3. I know the missing person Allison BADEN-CLAY, Gerard BADEN-CLAY and Toni McHUGH.
4. I know these people as I use to be a part owner of Century 21 Westside, located at Kenmore in 2008 and relocating to 1 Swann Road Taringa in late 2010.
5. I have known Gerard for 4 years through the real estate business.
6. I have known Allison for the same period of time as she was married Gerard.
7. I have known Toni for approximately 5 years, as I use to work for Run Property formally Rental Hotline. Toni moved to Century 21 Westside, however I am unsure of the year. Toni was in the Toowong office and I was Coorparoo office.
8. Toni and I became friends more so when I came over the Century 21 Office, my role was Director of Property Management and her role was Sales.
9. Gerard's position in Century 21 Westside was Principal; there was also Jocelyn FROST and Phil BROOM.

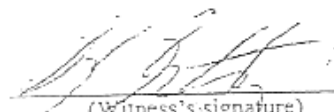
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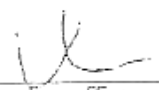
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CONTINUED STATEMENT OF: BASSINGTHWAIGHTE, BENJAMIN GERALD

10. I had a quarter share in the business and worked there for approximately 3 years.
11. In the later half of 2010, Gerard has pulled me aside and disclosed to me that he was having an affair with Toni. The conversation consisted of him telling me that he was having an affair with Toni and I expressed my disapproval and that you need to do the right thing and tell your wife.
12. Throughout the last 2 years we had multiple conversations' I can't recall exact dates or times but I do recall some conversations.
13. Once conversation Gerard stated to me that he loved Toni and that he didn't want to leave his kids and didn't want to break up the family.
14. Most people in the office knew of the affair between Gerard and Toni and I think I was actually the one of the last to know. It was good to be the last to know as I didn't really want to know.
15. Also over 2 years Toni would often declare her love for Gerard and when they broke up in late last year I told Toni she needed to move on and find someone new. Toni said it was hard because she loved him.
16. Gerard stated words to the effect that he was making a sacrifice by staying with Alison for the sake his kids because he loved Toni so much.
17. Late last year Alison became aware of the affair, there was a function in Brookfield and at that function and a person came up and told her there, I don't know if this is true this I heard around the office. I heard Jocelyn talking about it.
18. Terri HUGHES contacted me and stated that Toni had called her saying that everyone knows about the affair, Toni is extremely distraught and wanted to get things out of the office and Terri didn't know what to do.
19. So as a result of this conversation I have called Toni and Toni has said to me basically that Allison knows about the affair and was uncontrollably crying and upset. She was saying that Gerard had broken up the relationship and that he is gutless for breaking up with Toni and for not leaving Allison.
20. Gerard told me that Toni had made a comment to him about there sexual relationship, basically along the lines of that he Toni was berating him saying that the sex was good but he (Gerard) is just an idiot.

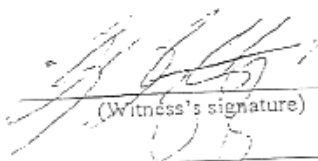

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 (Signature of police officer preparing
 statement)

C. CONTINUED STATEMENT OF: BASSINGTHWAIGHTE, BENJAMIN GERALD

21. Gerard arranged for a staff meeting into the open plan part of the office and during this meeting he addressed the affair, he told the staff that he had done something stupid and that he wanted the staff to know about the affair so it was all out in the open. Allison was not at the meeting.
22. Allison joined the business sometime after this meeting I am not sure of exact date, it was around this time I started to really loose interest in the business and really wanted to disassociate myself from the business.
23. The business partnership started to break down in 2011, The Sales business because the financial issues. Phil Broom left the business and sold his share to Jocelyn FROST.
24. Later that year Jocelyn FROST left the business but retained her half share of the business.
25. I left the business late last year to join the Police, when I left I sold my business to Gerard however he was not able to pay for the business so I registered legal document that entitles me to prevent him selling the business with out balance of payment to me. My payment for the business is due June 2012.
26. I have had very minimal conversations with anyone from Century 21 Westside.
27. I recall on the evening of the 20th day of April 2012, my wife Claire BASSINGTHWAIGHTE said to me that "Allison is missing it is on facebook"
28. I immediately called Gerard's mobile phone 0400456100 from my personal mobile [REDACTED] at or about 9:13pm and the call lasted for about 2 minutes, Gerard didn't answer his mother Elaine BADEN-CLAY answered and I said "I heard about Alison is everything alright?" Elaine said "No, Gerard is in the shower so he is not available" I said "if there is anything I can do let me know" Elaine accidently put me on hold so I hung up and sent Gerard a text message at 9:39pm "G I have heard the news hopes and prayers are with you and the kids. Please call anytime if there is anything I can do"
29. Gerard respond with a text at 5:49am on the 21st day of April 2012 and it said "Thanks Ben, I just pray she is alright and we find her soon"
30. Gerard sent another text message later that morning saying "Still no news on Allison SES now searching too, so hopefully we'll find her soon. We've asked if we can help


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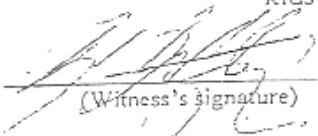
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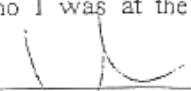
CONTINUED STATEMENT OF: BASSINGTHWAIGHTE, BENJAMIN GERALD

with searching but the police have asked to leave it ttheir professionals. The children are with good friends and thankfully in good spirits. Thanks you for your support and we pray she'll come home soon. I'll let you know as soon as something happens. G.

31. Later that evening I tired to call Gerard's mobile at or about 4:10pm, however it went to message bank and I didn't leave a message.
32. I responded on the 22nd day of April 2012 at or about 7:42am I said Mate, Thinking of you and the girls and praying for Allison's safe return. Let me know if there is anything I can do.
33. At or about 3:38pm I tried to call Gerard's mobile but it went straight to message bank and didn't leave a message.
34. I then called his father, Nigel BADEN-CLAY on his mobile 0400466100, the call lasted 6 minutes, and I spoke to Nigel about Allison missing and to see how everyone was coping. Nigel asked how I was and how my new career was going. I said I was busy with exams and I was enjoying it. Elaine was in the background and asked who was on the phone. I said do you need to go? Nigel said we are just waiting to hear about Gerard as hc has just been in an accident. I said "I hope he is alright" Nigel said we don't know much we are waiting to hear" I said well I better let you go" Nigel said "ok thanks" the call ended.
35. On the 23rd day of April 2012 at or about 10:20am, I rang Kate RANKIN about to see how she was going and managing the business as I was the one that trained Allison and trained Kate. Kate and I spoke and she was unsure how to do end of month and I agreed to come to the business on Friday afternoon to assist. Kate said that she interviewed by police on Saturday and that she I am in the office and I can't really talk too much. Our call only lasted for 4 minutes.
36. I called Toni yesterday afternoon at 4:53pm on her mobile [REDACTED] from my personal mobile [REDACTED] I said "How are you?" Toni immediately broke down and started crying and said "I just finished work; I am sitting in my car trying to pull myself together. This is a mess I am responsible for her running off" I said you are not responsible and bad things happcn. Hopefully they will find Allison"
37. Toni said words to the effect of "Allison probably had someone pick her up and she is ok and trying Gerard a lesson" I said "it would be unlikely she would leave the kids" Toni said "yeah". I was distracted by my daughter who I was at the time

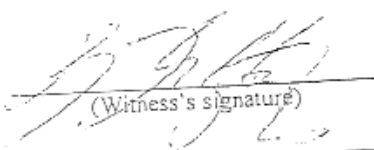

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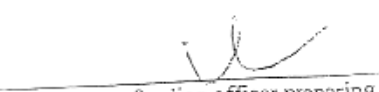

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CONTINUED STATEMENT OF: BASSINGTHWAIGHTE, BENJAMIN GERALD

- picking up from day care and listening to Toni at the same time. Toni said that she had been interviewed by Police for 6 hours and she felt that she may have said some things that my incriminate him but I don't give a shit I am not hiding a thing" I said "You should cooperate with Police but remember you are there voluntarily so if you need a break let them know etc" Toni said " I don't like my job and I got abused today by some dickhead and I got my teaching accreditation back and I really don't like property management and I need to make a change. I can hear your daughter in the background I will let you go" I said "Ok take care see you later" the call ended.
38. On the 23rd Day of April 2012, at 6:15pm I called Nigel BADEN-CLAY on his mobile 0400466100 and I left a voice message informing him that "Kate needed a hand with end of the month and I am happy to help. I didn't want to tread on your toes so can you check with Gerard if that was ok and to contact Gerard and let me know".
39. I rang Kate at or about 6:16pm and informed her that I had left a message for Nigel and confirmed that I would be available Friday afternoon to help if needed as long as Gerard said it was ok.
40. On the 24th day of April 2012 at 9:06am from Elaine BADEN-CLAY'S mobile phone 0400476100, Gerard said words to the effect" it's G" I said how are you ?" Gerard said "it's not good" Gerard started to breakdown. I said "if you need anything let me know?" Gerard said "if you can help with end of month that would be great, have you still got your token?" I said " No, maybe get your dad to organise payments" Gerard said " that is what I was thinking about doing" I said " take care look after yourself and I will see Kate on Friday" Gerard said " ok thanks" and the call ended.
41. I have had no further contact with anyone since this time.



(Witness's signature)

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CONTINUED STATEMENT OF: BASSINGTHWAIGHTE, BENJAMIN GERALD

42. Later that afternoon I attended the Indooroopilly Police Station and supplied this Statement to Kellie THOMSON of Indooroopilly Criminal Investigation Branch.


Benjamin BASSINGTHWAIGHTE
Justices Act Acknowledgement

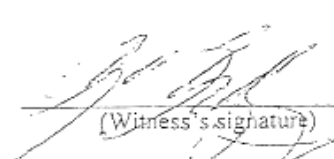
Justices Act 1886

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

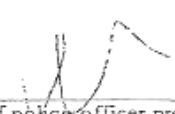
- (1) This written statement by me dated 24/04/2012 and contained in the pages numbered 1 to 6 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

.....Signature

Signed at Indooroopilly this 24th day of April 2012


(Witness's signature)

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statement)