



CORONERS COURT OF QUEENSLAND

FINDINGS OF INQUEST

CITATION: **Inquest into the death of Christopher Betts**

TITLE OF COURT: Coroners Court

JURISDICTION: Brisbane

FILE NO(s): COR 2016/2227

DELIVERED ON: 8 June 2020

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HEARING DATE(s): 4 – 8 November 2019

FINDINGS OF: Terry Ryan, State Coroner

CATCHWORDS: CORONERS: Death in Iraq, Australian Embassy, close personal protection officer, security contract, Standard Operating Procedures, alcohol and drug consumption, weapons handling and storage.

REPRESENTATION:

Counsel Assisting: Ms Sarah Lane

Mr Colin and Mrs Rae Betts (parents): Mr Patrick McCafferty QC (pro-bono)

Department of Foreign Affairs and Trade: Mr Andrew Berger (instructed by Australian Government Solicitor)

Mr Sun McKay: Mr Jamie Whitehead, Whitehead & Associates Solicitors

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Introduction

1. This inquest examined the circumstances of the death of Christopher Betts at the Australian Embassy compound in Baghdad, Iraq, on 12 May 2016. Mr Betts, who was 34 years of age, died as the result of a gunshot wound from a Glock handgun.
2. Mr Betts' death occurred while he was deployed to Iraq in his chosen profession as a close personal protection officer. It was his job to provide security services to Australian diplomatic staff and other officials who were working in the Green Zone in Baghdad. Mr Betts was an experienced personal protection officer and driver who had been engaged in situations where he protected clients under active fire. He was known to be a highly reliable and professional operator.
3. Tragically, Mr Betts did not die in the field protecting a client. He died in a room in his accommodation block within the Australian Embassy compound in the middle of the night, when most of his colleagues were sleeping. He was off duty, and at the end of his deployment. He was supposed to leave the next day to travel home to see his wife and his parents. He died when it was least expected that he would, and when he was supposed to be in relatively safe surroundings.
4. Mr Betts was employed by Unity Resources Group (URG), an international security firm which had been contracted by the Department of Foreign Affairs and Trade (DFAT) to provide security at the Embassy compound. Following Mr Betts' death, URG reviewed the circumstances of the incident and took steps to amend its policies to prevent similar deaths from occurring in the future. The amendments were concentrated, largely, on the policies regarding weapons handling and security, and the prohibition on the use of drugs and alcohol while on contract.

The issues for the inquest

5. These findings:
 - confirm the identity of the deceased person, how he died, and the time, place and medical cause of his death;¹
 - consider whether URG had appropriate Standard Operating Procedures (SOPs) in place at the time of Mr Betts' death;
 - consider whether URG's weapons handling SOPs and/or 'dry contract' clauses were enforced by management and adhered to by staff;
 - consider whether there was any action URG management could have taken to better enforce weapons handling SOPs and/or 'dry contract' clauses; and

¹ As required pursuant to s 45 of the *Coroners Act 2003*.

- consider whether there was adequate oversight of URG's private security contract by DFAT.

The inquest

Jurisdiction for a coroner to investigate and hold an inquest

6. Christopher Betts was a Queensland resident who died while working overseas in Iraq. As his death occurred within the Australian Embassy compound, Mr Betts' death was investigated in Iraq by the Australian Federal Police (AFP). In these circumstances, it was necessary for the Queensland Attorney-General to give a direction that a coronial investigation be conducted in this State.² Such a direction was given by the Honourable Yvette D'Ath MP on 8 June 2016, on the basis of the following information:
 - a. Mr Betts died within the Australian Embassy compound in Baghdad, Iraq;
 - b. Mr Betts was employed as a private security contractor;
 - c. Mr Betts was an Australian citizen who resided ordinarily in Hervey Bay;
 - d. Initial reports through DFAT were that the death was from unnatural causes and appeared to be a suicide;
 - e. Mr Betts' family had communicated to the AFP that it was their wish for a coronial investigation to be undertaken; and
 - f. The AFP had formally requested a coronial investigation.
7. An inquest into the death may be held if I am satisfied it is in the public interest to hold the inquest, pursuant to s 28(1) of the *Coroners Act 2003*. In this case, the Mr Betts' family requested an inquest and provided cogent reasons for their request. The family's view was that there were unresolved questions around the manner of Mr Betts' death, as well as questions about the safety of his working environment. They were also concerned to prevent similar deaths from happening again.
8. An inquest such as this one is intended to provide the public, and, most importantly, the family of the deceased, with transparency regarding the circumstances of the death, and to answer any questions which may have been raised following the death.

² ss 12(1) and 12(2)(e) *Coroners Act 2003*.

9. The jurisdiction of the Coroners Court is inquisitorial. The *Coroners Act 2003* creates a system where reportable deaths are independently investigated to determine, if possible, the identity of the deceased person, the cause of death and the circumstances in which death occurred. It is not the role of the coroner to lay or apportion blame, but to establish the facts. Similarly, it is not the coroner's role to determine criminal or civil liability arising from the death under investigation.

Management of sensitive national security information

10. A significant volume of evidence was gathered during the investigation, including statements, records of interview, photographs and other documents. Some of this evidence was the subject of claims of public interest immunity by DFAT on behalf of the Commonwealth, which were made prior to the inquest.
11. These claims related particularly to parts of the URG SOPs. DFAT advised it was necessary to withhold parts of the SOPs from publication in order to protect national security.
12. Counsel Assisting, Ms Lane, facilitated discussions between the parties in the weeks before the inquest, during which all material was made available to the parties. An agreement was reached as to which parts of the SOPs could be disclosed and which parts withheld. This process, which resulted in an agreed redacted copy of the SOPs being included in the brief of evidence to be tendered at the inquest, avoided the need for non-publication orders to be made.

The hearing

13. The hearing of evidence in relation to Mr Betts' death took place in Brisbane from 4 – 8 November 2019. Counsel Assisting proposed that all agreed evidence be tendered, and that oral evidence be heard from the following witnesses:
 - Detective Sergeant Bill Freeman, AFP;
 - Anthony Hughes, DFAT Regional Security Officer;
 - David Childs, URG Operations Manager;
 - Ralph Gilmour URG Project Manager;
 - Darren Lovett, URG Security Project Manager;
 - John Feenie, URG Static Security Officer;
 - William Anderson, URG Clinical Nurse;
 - URG Team Leader, Simon Hansen;
 - URG Team Leader, Michael Lynagghan;
 - URG Team member, Sun McKay;
 - URG Team member, Benjamin Turner;
 - URG Team member, Christopher Connolly;

- URG Team member, Patrick O’Keefe;
 - URG Team member, George Flower;
 - URG Team member, Jason Kirton;
 - Former URG Team Leader, Michael Schipp;
 - Former URG Team member, Luke Duncan;
 - Former URG Team member, Richard Bassett;
 - Former URG Clinical Nurse, Tanya Ferrai;
 - Former URG Clinical Nurse, Angela Moodie; and
 - Paola Totaro, Freelance journalist.
14. Of those 21 witnesses, 12 resided interstate or overseas, and gave their evidence via videolink or telephone. Technical difficulties in reaching a remote region in Iraq prevented the court from obtaining the oral evidence of Mr Lynagghan. Ms Totaro was one of a number of witnesses who was requested by the family. After discussions between the parties as the inquest proceeded, it was agreed that it was not necessary to call her to appear as a witness. Oral evidence was given by all other witnesses listed above.
15. I consider that the evidence tendered, in addition to the oral evidence, was sufficient for me to make the necessary findings under s 45 of the *Coroners Act 2003*. I received helpful submissions from those given leave to appear at the inquest, particularly Ms Lane. Those submissions have assisted greatly in the preparation of these findings.

The evidence

Personal circumstances

16. At the time of his death, Mr Betts was married to Angela Tovar, a Columbian citizen. They had been together for around six years and lived in Hervey Bay, close to Mr Betts’ parents, Rae and Colin.
17. Mr Betts began his career in the Australian Army. When he left the army, he gained the qualifications necessary to work as a private security contractor. In June 2011, he commenced working for URG at the Australian Embassy in Baghdad. Mr Betts’ responsibilities included providing close personal protection for embassy staff and visitors when they were travelling in and around Baghdad, as well as armed protection inside the Embassy compound. I acknowledge his lengthy and dedicated service to his country both as a soldier and in protecting the lives of Australians in Iraq as a security contractor.
18. Mr Betts usually deployed for work in Iraq for eight weeks and would then come home for four weeks. When he was at home he would relax and spend time with Angela, their dogs and his family. He was an active person and would go out on his boat or kayak, and work out in his home gym. When he was deployed, he and Angela would communicate on Skype every night. Mr Betts was clearly loved by his family and friends

and is greatly missed. Their grief was compounded by the death of Ms Tovar on 8 July 2016. I extend my condolences to them.

Deployment with URG

19. On 1 January 2016, URG commenced a new three-year contract with DFAT to provide security services at the Australian Embassy compound. URG provided three Close Personal Protection (CPP) teams of ten men each within the Australian embassy. These were known as Bravo, Charlie and Delta teams. Mr Betts was in Bravo team. The URG staff lived inside the Australian Embassy compound. This compound is situated in the international zone in Baghdad, known as the 'Green Zone'. The US Embassy and the Iraqi Parliament are also located in this zone.
20. URG staff had rooms in a four-storey building next to the Embassy building, known as Carl Hall. A medical clinic, dining room and various offices occupied the ground floor. On the levels above the ground floor, each of the staff had their own bedsit accommodation. There were shared bathrooms and a team room on each floor.
21. As part of their duties, the CPP teams were required to use weapons. Two types were available to them: an M21 automatic rifle and a Glock handgun. Each team member had a rifle issued to them individually, and 5 handguns were issued per team. URG had SOPs with respect to the use and storage of weapons, which were varied in accordance with operational readiness status. Operational readiness was communicated with the use of colour codes, which indicated immediate risk levels to the Embassy and personnel:
 - a. Orange level was considered 'business as usual' with movement unrestricted within the Embassy and controlled movement in and out. At Orange level weapons were stored in the armoury and signed in and out when required for operational business at the start and end of each shift.
 - b. Red level would be activated if there was an increased threat environment. Movement was more restricted, and weapons were kept at hand by team members in case they needed to be deployed quickly. Where weapons were kept in the contractors' rooms, they were to be unloaded, and weapons were not to be carried to and from rooms while loaded. There were weapons loading and unloading bays at the front and the rear of Carl Hall.
 - c. Black level was activated in a very high threat environment and was effectively a lock-down.

22. At the start of the new contract with DFAT in January 2016, John Feenie, the URG Static Security Officer (SSO), conducted an audit of URG's SOPs for the Australian Embassy. Mr Feenie's evidence at the inquest was that, as part of this audit, he identified that the practice of URG contractors keeping weapons and ammunition in their rooms was contrary to 2009 Iraqi legislation which required all security personnel to store weapons in an armoury, unless they were conducting operational tasks or training. Mr Feenie updated the SOPs to reflect this requirement.
23. In mid-March 2016, Mr Betts travelled to Iraq for what would be his last deployment with URG. His main role in Bravo Team was to drive one of the team vehicles when the team was on escort duties within the Green Zone. Mr Betts usually worked in the same vehicle as Sun McKay, a Bravo Team personal protection officer and medic. Mr Betts and Mr McKay had worked together on previous contracts and were very good friends. As well as working together, they spent most of their free time together, often playing online computer games.
24. Around 20 March 2016, Mr Feenie started a new rotation at the Embassy. His evidence was that, at this time, he advised management that his amended SOPs with respect to the storage of weapons be put into practice, and that control measures should be put in place to ensure that contractors complied with this direction.
25. On 30 April 2016, Iraqi protesters who were supporters of the Shiite cleric Muqtada al-Sadr breached Green Zone and stormed the Iraqi Parliament. The URG staff went to Red Level in response to this threat. The protest followed a fortnight of demonstrations, some of which had entered the Green Zone, and during the demonstrations damage had been caused to buildings within the zone. At the same time, an annual Shia pilgrimage was occurring, and some of Baghdad's main service roads were blocked.
26. On about 3 May 2016, the threat level at the Australian Embassy was reduced to Orange as the demonstrations had started to subside. However, Darren Lovett, the Security Project Manager for the URG staff in Baghdad, still had concerns about URG operational readiness given the ongoing pilgrimage and the fact that more demonstration activity may occur on the weekend (Friday and Saturday).
27. Mr Lovett's evidence was that, as a result of his concerns, he instructed the CPP teams to keep their weapons at hand, which meant that they kept them in their rooms when off-duty. The weapons were supposed to be kept unloaded and locked with a chain or in a weapons storage box while they were in the contractor's rooms, but most contractors simply kept them unloaded.

Circumstances of death

28. On 11 May 2016, Bravo Team carried out an escort job in the morning and then returned to Carl Hall. Between 3:40pm and 4:32pm Baghdad time (10:40pm and 11:32pm Australian time) Mr Betts and Angela had their daily Skype conversation. They spoke about repairs that needed to be done to their swimming pool and house and friends they planned to have over to dinner. Mr Betts said that he was looking forward to leaving Iraq the next day and coming home on leave. He said that he would call Angela during his stop-over in Dubai.
29. After finishing a second escort job later that day, Mr Betts went back to his room at around 8:00pm. Most nights he played Call of Duty on the X-box with Mr McKay and a member of Charlie Team, Christopher Connolly. They each played in their own rooms and used headsets to talk to each other in real-time as the game was playing. Other URG staff would sometimes join in depending on who was around. That night a number of staff, including Mr Connolly, played but left at various times until only Mr Betts and Mr McKay were left in the game.
30. Mr McKay's evidence was that, after Mr Connolly left, he and Mr Betts played a private game for a while. At some stage they stopped playing and Mr Betts came to Mr McKay's room to talk about leave, as they were travelling to Dubai together the next day.
31. At around 10:00pm Mr McKay sent a message to a member of Charlie Team, Benjamin Turner, which said "*Come down for a drink*". Mr Turner's evidence was that he received invitations to Mr McKay's room about once a week to meet with Mr McKay and Mr Betts and play X-box or watch movies. He had seen Mr McKay and Mr Betts drinking alcohol in Mr McKay's room on occasion, but not every time he had been there. He understood Mr McKay and Mr Betts to have a reputation for drinking until they had finished a 750ml bottle of spirits once they started.
32. When Mr Turner got to Mr McKay's room, Mr McKay and Mr Betts were watching television. The room was dimly lit, with only some Christmas lights on the wall and the reflected light from the television screen. Mr McKay was lying on the bed, and Mr Betts was sitting on the couch. Mr Turner sat in a computer chair near the door.
33. Mr Turner's evidence was that while he was in Mr McKay's room that night, he picked up Mr McKay's Glock from a table near the door and saw and felt that the gun had a magazine in it. His evidence was that he had noticed that Mr McKay usually kept his Glock loaded.
34. Mr Turner also said that, about 15 minutes after he arrived, Mr McKay asked him if he wanted a drink. Mr McKay and Mr Betts were drinking gin from a clear plastic water bottle on the coffee table. Mr Turner poured himself a shot of gin from the bottle and then mixed it with lemonade. Mr Turner only had one drink, but he saw Mr Betts and Mr McKay top up their

drinks with gin once or twice while he was there. They talked about leave and about work. Mr Turner left sometime before midnight. When he asked what Mr Betts and Mr McKay were going to do Mr McKay replied “*we’re just going to finish what we have*”. When Mr Turner left, he did not consider that either Mr McKay or Mr Betts was intoxicated, or even tipsy.

35. Just before 2:30am a gunshot was heard, and Mr McKay banged on Bravo Team Leader Simon Hansen’s door and told him that Mr Betts had shot himself. Mr Hansen gave evidence that he followed Mr McKay to his room saw Mr Betts sitting on the couch with his body and head leaning towards his right. Mr Hansen saw Mr McKay check for a pulse on the left side of Mr Betts’ neck, and Mr McKay said “he’s got a pulse”.
36. Mr Hansen and Mr McKay moved Mr Betts into the corridor outside Mr McKay’s room. William Anderson, the URG clinic nurse, was woken. Mr Anderson gave evidence that he arrived at the scene to see Mr McKay kneeling over Mr Betts and giving his first aid. Mr Anderson thought that Mr McKay appeared hysterical, and kept saying things like “*Why did you do this? What the fuck have you done this for?*” Mr Anderson decided that Mr Betts should be taken to the clinic downstairs, and that Mr McKay should be taken elsewhere as he was too upset to help.
37. Efforts to resuscitate Mr Betts continued for the next few hours both at the Embassy and in an ambulance, but he could not be revived. His death was pronounced at 4:50am Iraqi time.
38. While Mr Betts was being attended to, Mr Lovett had contacted Anthony Hughes, the DFAT Regional Security Officer, whose responsibilities included the day to day operational management of the URG contract with the Australian Embassy. Mr Hughes came straight to Carl Hall, and began preliminary enquiries into what had occurred.
39. On 13 May 2016, Agents from the Australian Federal Police arrived in Iraq to conduct the police investigation into Mr Betts’ death.

Results of autopsies

Iraqi Autopsy

40. On 4 June 2016, an autopsy was conducted at the Baghdad Diplomatic Support Hospital by Iraqi pathologist, Dr Basheer Shakir Al-Tameeni.³ The pathologist conducted an external and internal examination of Mr Betts’ body, and took blood samples for toxicology testing. The report noted that Mr Betts had suffered a gunshot wound to the head, with two wounds resulting: a larger entrance wound on the right side of the head,

³ On 18 July 2016 a report written in Arabic was provided to the Embassy and translated into English by locally engaged staff. The Iraqi report was signed by a ‘medical committee’ of three members. The names of the members were not translated. The name of the pathologist Dr Al-Tameeni was provided by DS Freeman in his statement.

and a smaller exit wound on the left side. The pathologist removed the skin around each wound to test for gunshot powder and/or residue.

41. The conclusions of the Iraq autopsy report were as follows:
 1. *It appears from the noticed autopsy description...the reason of the death was the fractures, lacerations and bleeding due to penetrating gunshot in the head.*
 2. *Distance of the gunshot: the gunshot was done when nozzle was in touch or near to touch Mr Betts' head.*
 3. *Direction of injury: right left – little, front back - little, bottom above.*
 4. *Due to shot penetration it would not be possible identify the type of the shot and size of the gun used.*
 5. *No impact of other hard conditions on other parts of the corpse.*
 6. *The known chemical poisons and drugs have not been proved to be found in his blood in laboratory.*
 7. *Blood type is (O) decomposed.*
 8. *Blood sample contains (180 mg alcohol/100cm³).*
 9. *Skin samples contain powder remains*
 10. *The hand wipes do not contain powder remains.*

Queensland Autopsy

42. On 14 June 2016, experienced forensic pathologist, Dr Rohan Samarasinghe, conducted a second autopsy on Mr Betts' body after he had been repatriated to Queensland. Dr Samarasinghe conducted an external and full internal examination and a CT scan of the body and requested a neuropathology examination of Mr Betts' brain.
43. Dr Samarasinghe was also able to examine photographs of the scene and of Mr Betts' body which were taken before the Iraqi autopsy. He noted that there was a sealed parcel inside the coffin in which Mr Betts was transported, labelled "*Two vials of Chris Betts blood 09:07, 7 June 2016*". Dr Samarasinghe sent these blood samples as well as samples he took from the body himself for toxicology analysis.
44. On the basis of the information above as well as the various test and examination results, Dr Samarasinghe found that the cause of death was gunshot wound of the head, and that the entry and exit wounds and trajectory of the bullet were consistent with the findings of the Iraqi autopsy.
45. Dr Samarasinghe noted that the toxicology analysis conducted in Iraq "indicated the presence of a significant level of alcohol in [Mr Betts] blood". The toxicology analysis undertaken in Brisbane detected:
 - a. a low level of alcohol (23mg/100mL) in both blood samples transported with the body;

- b. a non-toxic level of diazepam in one of the blood samples transported with the body;
- c. the presence of alcohol in the blood and urine samples taken from the body during the Brisbane autopsy, which were higher than the levels detected in the samples transported with the body (consistent with post-mortem generation of alcohol due to the decomposition process); and
- d. non-toxic levels of diazepam, nordiazepam and an anti-histamine in samples taken during the Brisbane autopsy.

The investigation

- 46. Detective Sergeant William Freeman of the AFP provided his investigation report to the Court report by way of a statement dated 2 November 2016. At the inquest, Detective Sergeant Freeman gave evidence that the AFP investigation was informed by statements and recorded interviews with relevant personnel and with Mr Betts' next of kin. Mr Betts and Mr McKay's medical records were obtained, forensic and ballistics examinations were conducted, and documents and photographs were obtained. An autopsy was conducted in Iraq, and a second autopsy was conducted in Australia after Mr Betts' body was repatriated.
- 47. Detective Sergeant Freeman gave detailed evidence of his investigation at the inquest. He explained to the court that the outcome of his investigation was that the gunshot wound to Mr Betts' head was found to have been self-inflicted, and that there was no evidence of any disturbance or the involvement of a second person.
- 48. In the course of the investigation, Detective Sergeant Freeman conducted two formal interviews with Mr McKay, who was the only witness to the incident which occurred in his room and resulted in Mr Betts' death. Detective Sergeant Freeman told the court that Mr McKay's version of events was consistent with the forensic evidence available.
- 49. The AFP investigation was conducted thoroughly and professionally. I consider that the findings of the investigation were based on well-documented forensic evidence.

Questions about the circumstances of death

The evidence of Mr McKay

- 50. When formally interviewed by AFP officers five days after Mr Betts' death, Mr McKay said that he and Mr Betts had been alone in Mr McKay's room after Mr Turner left. He said they were talking and watching television. Mr McKay said that he was falling asleep on his bed when he saw Mr Betts get up and move towards the door. He heard the sound of a Glock being

actioned, which meant that a bullet had been put into the barrel of the weapon, and the weapon would fire if the trigger was depressed.

51. Mr McKay said that when he heard that sound he sat up and saw Mr Betts with Mr McKay's Glock in his hand. He said that he did not hear the sound of Mr Betts putting the magazine in the Glock. Mr McKay's recollection of what followed, as given to police during his interview, was that:

At that time I was fully awake, ah, I think I pushed I pushed myself up against the bed, against the wall. I said "what are you doing, put that down. You got one in the spout". He had sat down at that point in time, he didn't look at me so I looked around, and I'm trying to think, his finger wasn't outside the trigger guard....I think at that time he had his finger on the trigger. The Glock has a safety on the trigger, a mechanical safety, that you have to depress. It has a very long trigger pull, I don't know how many pounds, but I'm sure he had taken up the trigger pull with the safety off, so that weapon was in a state ready to fire at a moment's notice. And I think um when I said "you've got one in the spout", I looked around at him and he had it tapped against his head and this is where... I think he said "or is there?". The weapon discharged, I um stand up very quickly, in a state of absolute shock, think I remember yelling 'what the fuck, oh my god, what did you do? What the fuck'.⁴

52. Mr McKay denied that he and Mr Betts were drinking alcohol on that night. In a follow-up interview conducted by the AFP around six weeks later, Mr McKay said that his memory of the incident was broadly consistent with the version he gave in the walkthrough interview the day afterwards, except that he thought that Mr Betts may also have said "*it's time to play clear or not clear*" (a reference to whether there was a bullet in the barrel of the weapon) before he put the gun to his head.
53. At the second interview, Mr McKay said that he now thought Mr Betts may have been drinking that night but was not intoxicated. He said that he distinctly recalled that there was no magazine in his gun that night. He remembered Mr Turner handling his weapon and that he told Mr Turner to put it down. He also told police that when he had spoken to them in the first interview, he was sure Mr Betts' death was not a suicide, but he had been thinking about it constantly since, and Mr Betts knew there was a round in the spout and he had his finger on the trigger. Mr McKay said he now thought that it might have been deliberate because Mr Betts knew better than to muck around with weapons like that.
54. During his evidence at the inquest, Mr McKay admitted that he was also drinking earlier in the night, but said that he stopped at around 7:00pm. He said that his drink of choice was scotch which he brought into the Embassy in Listerine bottles. Under cross-examination, he said that he usually kept a magazine in his Glock when it was in his room, because that was what all the contractors did in order to be prepared. In response to subsequent questioning, he said that it had not been loaded earlier in the night, but that he loaded it later to have it in readiness for the job the

⁴ Exhibit L3: MCKAY, Sun – Video of Room 213 Walkthrough Redacted, 16:00.

following morning. When asked why he had told the AFP previously that there was no magazine in the Glock, he said that he had been confused.

55. Counsel for Mr Betts' family made it clear during cross-examination that Mr Betts' family do not think that Mr McKay did anything deliberate which may have caused Mr Betts' death. The significant inconsistencies in Mr McKay's evidence nonetheless make it difficult for me to determine exactly what happened in Mr McKay's room, and why it happened. I accept that Mr McKay has been profoundly affected by the death of his friend.

Alcohol

56. Mr McKay was not breathalysed by URG following the incident. Although the AFP investigators recorded that there were various water bottles in Mr McKay's room and in his rubbish bin, and that there were two coffee mugs on his coffee table with "*unknown residue observed in the bottom*"⁵, none of the bottles or the residue in the coffee mugs were examined to see if they contained alcohol. Post-mortem blood taken from Mr Betts confirmed that there was alcohol in his blood stream at the time of his death.
57. During the inquest considerable evidence was given by witnesses about alcohol use by URG contractors in general, and on the night of Mr Betts' death. Various witnesses gave evidence that they either saw, concluded, or assumed that both Mr McKay and Mr Betts were drinking that night. Mr Turner's evidence is of particular importance. He informed the court that he had been in Mr McKay's room up until about midnight and had been drinking gin and lemonade with Mr Betts and Mr McKay. He also gave evidence that he saw both Mr Betts and Mr McKay drinking as well.
58. Mr Turner's evidence is supported by Mr Flower, who gave evidence that, immediately after Mr Betts was shot, he was attending to Mr McKay who smelt strongly of alcohol. Mr Flower's evidence was that Mr McKay appeared "hammered". Mr Connolly also gave evidence that he smelled alcohol on Mr McKay and said that he could tell straight away that Mr McKay was drunk.
59. As noted above, Mr McKay's evidence during the inquest was that he had been drinking earlier in the evening. When examined by his own representative, he said that he had had six or seven drinks, then stopped at 7:00pm and drank water. Even if it is accepted that Mr McKay stopped drinking at this time, he likely had a significant amount of alcohol in his system. He also admitted to self-medicating with other prescription medication. Given the inconsistencies in Mr McKay's evidence, I have preferred the evidence of the other witnesses that indicates that Mr McKay continued to consume gin or other alcohol late into the night.

⁵ Exhibit B29: Statement of CSI Sloane HAMILTON, Annexure 1, para 3.18.

60. It is likely that both Mr Betts and Mr McKay had been drinking for much of the night of Mr Betts' death.

State of the Glock

61. Mr Turner's evidence was also important in relation to the state of Mr McKay's Glock. Mr Turner told the court that when he came into Mr McKay's room earlier in the night he picked up Mr McKay's Glock from the table and found it to have a magazine in the well. Mr Turner said that this did not surprise him, as he had previously noticed that Mr McKay kept his weapons loaded, and that Mr McKay had told him "*that's how I roll*".
62. In his evidence at the inquest Mr McKay admitted that he probably put a magazine in the gun at some stage that night. Although he seems confused about when this might have happened, Mr McKay readily admitted during the inquest that he often kept his weapon with a magazine in it, and always went to sleep with his Glock ready with a magazine in it.
63. Mr McKay also gave evidence that he kept dummy rounds in his room, and that it was possible that there were some loose on his table near the Glock. It was suggested to Mr McKay during cross-examination that he and Mr Betts were doing weapons drills with the Glock using dummy rounds earlier that night, and that Mr Betts may have assumed, when he picked up the weapon later, that it held dummy rounds rather than live rounds. Mr McKay denied that they had been doing drills that night, but said that he frequently did drills with the weapon using dummy rounds.
64. Based on Mr McKay's admissions, I conclude that Mr McKay's Glock had a loaded magazine in it when Mr Betts picked it up just before his death.

Allegations of irresponsible weapons-handling

65. There was considerable evidence given at the inquest by witnesses who knew Mr Betts and Mr McKay, such as Mr Turner, O'Keefe and Mr Duncan. Those witnesses believed that Mr McKay was responsible for Mr Betts' death. They based this theory on their knowledge of Mr McKay as a person who often displayed irresponsible behaviour while handling weapons. With one exception, all of these witnesses said that if Mr McKay did fire at Mr Betts it would have been by accident, and not deliberately.
66. Mr McKay denied that he would ever handle his weapons irresponsibly. He admitted performing various drills with high frequency as he believed a high level of competency required 10,000 hours of rehearsal. He told the court that he would, for instance, never point his weapon at any one and dry fire or point a weapon at someone while there was a live round in the chamber. Both of those were circumstances specifically alleged by other witnesses.

67. Although he was a self-professed weapons expert⁶, I found that Mr McKay was not a reliable witness and his evidence in this respect cannot be relied on, having regard to the sheer volume of contrary and credible evidence given by witnesses in this inquest.
68. Mr McKay has a long history of mishandling or skylarking with his weapons. However, any theory that it was Mr McKay who discharged the weapon and caused Mr Betts' death was not supported by the forensic evidence.

Forensic Evidence

69. Forensic evidence obtained by the AFP demonstrated that it was Mr Betts who fired the shot from the Glock that caused his death. Detective Sergeant Freeman gave evidence about the reports of three AFP forensic officers on which he based this conclusion:
 - a. Ballistics expert, Christopher Pieterse, examined Mr Betts' wounds and determined that the wound on the right-hand side was the entry wound. This was consistent with Mr Betts having been right-handed. Mr Pieterse also took measurements of the bullet hole on the wall and determined that the angle and trajectory of the shot was consistent with Mr Betts having been seated on the couch when the Glock was fired;
 - b. Crime Scene Examiner, Sloane Hamilton, examined the blood spatter in the room and determined that it was consistent with Mr Pieterse's analysis of the scene. Importantly, there was no 'shadowing' of the blood splatter which would suggest the presence of another person on the side that the weapon was fired.
 - c. Senior Forensic Biologist, Ayesha Seymour, provided a report to the AFP of her analysis of DNA swabs taken from the Glock. In layman's terms, Mr Betts' DNA was found on the butt, slide, barrel and trigger of the Glock, as well as on a fired cartridge. Detective Sergeant Freeman gave evidence that the DNA found on the barrel was of significance because it showed that the Glock must have been very close to Mr Betts' head at the time it was fired, as this part of the barrel was only exposed when the weapon was fired.
70. Detective Sergeant Freeman's evidence was that the AFP considered all possible scenarios during the course of the investigation, including the possibility that Mr McKay discharged the weapon. Detective Sergeant Freeman's conclusion was not altered by the evidence of the witnesses who believed that Mr McKay had caused the death.

⁶ Referring to other contractors, he told the inquest "*I was good, they were average*".

Intent

71. Mr and Mrs Betts do not believe that their son would have deliberately taken his own life. This view was repeated by every witness who knew Mr Betts. In respect of Mr Betts' mental state, his colleagues say they had never seen any signs of depression, and that he had been looking forward to going on leave and seeing his wife and family.
72. Detective Sergeant Freeman's evidence was that Mr Betts' financial situation was not of concern. The court had the benefit of a statement from Mr Betts' overseas bank account, into which his URG salary was paid. That showed he had sufficient funds to live comfortably and cover his mortgage repayments. Mr Betts's civilian and ADF medical records also suggested no history of depression or other mental illness.
73. Counsel for the family suggested to Mr McKay that Mr Betts may have thought that there were dummy rounds in Mr McKay's Glock. As already noted, Mr McKay denied that he and Mr Betts were doing drills that night and denied that there were dummy rounds in the Glock. Mr McKay told AFP officers during his second interview that he and Mr Betts had, at times, done pistol drills where the weapon was placed against the head, and it was not known what state the weapon was in. He said this was what the reference to "*clear or not clear*" was. At inquest, Mr McKay insisted that he would never use live rounds during a drill.
74. While this was possible, there is insufficient evidence to determine exactly what happened in Mr McKay's room on the night of Mr Betts' death. On the evidence available, I have concluded that Mr McKay's Glock was loaded by him consistent with his usual practice. I conclude that he and Mr Betts had been drinking, that Mr Betts picked up Mr McKay's Glock, and that the barrel was against his head when it was discharged.
75. I am unable to determine exactly how this happened, or why. However, I conclude that it is most likely to have been a tragic accident which occurred while Mr Betts and Mr McKay were significantly affected by alcohol they consumed as they were discussing plans to return to Australia the next day.

Conclusions on inquest issues

Whether URG had appropriate SOPs in place at the time of the death

76. Mr Betts had returned to work for URG in late 2015, on a three-month probationary period. Shortly after satisfactorily completing his probation, he signed a new standard form contract to work for URG in Iraq, on 8 December 2015.
77. On 1 January 2016, URG commenced a new three-year contract with DFAT to provide security services at the Australian Embassy compound. The court heard evidence that URG had SOPs which applied to their operations. These were 'living' policies and procedures which were updated and amended as considered necessary and, in combination with the specific conditions outlined in the employee standard contract, governed working conditions for URG staff.
78. Two versions of these SOPs were tendered, one which was current before Mr Betts' death, and one which had been amended following Mr Betts' death.

Standard Operating Procedures and Contract Conditions

79. The URG SOPs which were provided to DFAT by URG before Mr Betts' death were referred to as the 'April' version of the SOPs. Ralph Gilmour, a URG Security Project Manager (SPM), gave evidence that he was responsible for drafting, reviewing and amending the SOPs for the approval of upper management while he was in the role of SPM, which was until mid-January 2016.

Weapons security

80. Mr Gilmour's evidence was that, when he commenced at URG in 2013, contractors were issued their weapons at the start of each four week deployment, and kept the weapons in their rooms for the duration.
81. As noted above, in early 2016 Mr John Feenie, the URG SSO, was tasked with conducting an audit after the new contract was entered into. He identified that the practice of URG contractors keeping weapons and ammunition in their rooms was contrary to 2009 Iraqi legislation, and updated the SOPs to bring them into line with this legislation. This required CPP personnel to sign their weapons out at the beginning of each shift, and in again at the end. Accordingly, the April SOPs set out, at SOP 5.1 (Weapons and Ammunition Security), the following requirements for the use of the Glock side arm by security contractors:

WEAPONS SECURITY

Unity weapons are to be stored within the following areas only:

Armoury: All personnel are to secure weapons within the Unity Armoury at the completion of the last operational task of the day. The Unity Armoury is an approved, solid core, single point of entry room that is cipher locked.

[Storage relevant to Static Security Groups].....

AMUNITION SECURITY (

Unity ammunition is to be stored within the following three areas only:

Magazine: All excess and unallocated ammunition is to be secured within the Unity magazine. The Unity Magazine is an approved, solid core, single point of entry room that is cipher locked.

[Personal Security Detail (PSD)] and Support Staff: “First Line” ammunition contained within applicable weapon magazines and secured within personal equipment (PPE or Go Bags). Each Team Leader is to secure and additional first line within their Team Office.

[Storage relevant to Static Security Groups].....

SIGNING FOR WEAPONS

Weapons and their Ministry of Interior (MoI) weapons cards are to be issued, signed and accounted for using the following procedure:

PSD and Support Staff:

- *All PSD individual/team weapons are to be stored in the Unity armoury;*
- *At the completion of the evening operational brief Team leaders and support staff requiring weapons for the following day are to book a time to sign out weapons from the armoury with the SSM [the Static Security Officer (SSO) or the SPM if neither of these officers is available];*

....

[Signing relevant to Static Security Groups].....

WEAPONS ACCOUNTABILITY

Each time the Armoury is opened and weapons are withdrawn or returned the Unity sign in/out sheet with individual weapon numbers is to be signed. This document is to be held and maintained by the SSM and Support Staff, and provided on request to DFAT, and weekly to Unity [Country Management Team (CMT)]....

A weekly weapons and weapon card serial number check is to be conducted project wide on a Friday. The results for the weapon and serial number checks are to be scanned and sent to the Unity [CMT] and Unity Security Director as part of the weekly reporting “battle rhythm”.

The SPM will randomly nominate a senior person from the project to carry out the weekly weapon checks. The current account holder for the Unity weapons systems is the SSM. To ensure integrity of this procedure the SSM is not to be chosen to conduct the weekly weapon and serial number check.

82. Mr Feenie's evidence was that, although this SOP required that the weapons sign in/out sheets checks were to be provided to the URG Country Management Team (CMT) each week, this did not happen on a regular basis while he was at URG. He also advised that he could not recall DFAT requesting to see the sheets very often, if at all.
83. Mr Feenie's evidence was that SOP 2.1 (Operational Security and Communication Security) was also drafted as part of his review, and provided that:

Weapons and Ammunition

All Unity staff are personally responsible for the security of any weapon and ammunition issued to them. Under no circumstances is any weapon or ammunition to be left unattended unless secured in an appropriate manner. It is the responsibility of the SPM/OPSM/Spt Svc Mgr to ensure that arms, ammunition and explosives are correctly protected to prevent loss or theft. All weapons and ammunition not issued to individuals are to be stored in the Unity Armoury and Magazine respectively. When not on the signature of Individuals Arms and ammunition must be stored in one of the following:

- *Padlocked to a fixed bracket or lockable container attached to the floor/wall;*
- *Armouries and ammunition stores that have been approved by SPM/[Operations Manager (OPSM)];*
- *Under permanent supervision within a permanently manned location, e.g. and Ops Room or ACP.*

84. Mr Feenie explained that, once weapons were taken inside the Embassy Compound by contractors, there were policies as to where and when the weapons could be loaded. His evidence was that, although SOP 4.2 (Static Security Officers) was drafted for use by the SSOs, the same policies applied to the CPP teams if they had their weapons inside the Embassy Compound:

DOWR/WEAPON AND AMMUNITION DIRECTIVES (

- > *The following details the Degree Of Weapon Readiness (DOWR) for each position and location within the Embassy and other areas of responsibility:*
- > *All positions within the ECP 'load'*
- > *All positions within the Embassy compound "Unload"*
- ...

WEAPONS & AMUNITION

- ...
5. *Unless reacting to an incident, no loaded weapons are to be taken into buildings. All weapon unloading is to take place at/in loading bay*
 6. *All load/unload procedures are to be carried out in the presence of another member of the security staff*
-

85. Mr Lovett gave evidence that he had been involved with Mr Feenie in the drafting of the new weapons security parts of the SOPS and was aware of their contents.

Drug and alcohol policy

86. Mr Gilmour's evidence was that when he commenced work with URG in 2013 contractors were allowed a '2 can ration' of beer on special occasions such as Christmas Day and Anzac Day. He brought this up with the Embassy and URG management shortly after he started and gave advice that he did not think it was appropriate. His evidence was that, from that point on, contractors were made aware of the dry contract clauses in their contract, and no alcohol was allowed at any time.

87. Mr Gilmour said that there was no actual enforcement of these conditions, beyond contractors being sacked if they were caught drinking. He told the court that he was aware that URG was bringing in a drug and alcohol testing regime, but that this was still under development when he left in mid-January 2016.

88. Mr Lovett's evidence was that, at the time of Mr Betts' death, the drug and alcohol policy was addressed in the contracts signed by each contractor upon their employment. The URG contracts required, at Clauses 2.5 and 2.6, that:

Contractor hereby confirms that they are not using and will not use during their contract: (i) any prescription drug that might adversely impact Contractor's ability to perform their duties; or (ii) any illegal or controlled substance.

Further, Contractor shall not: (i) consume alcoholic beverages or take illegal drugs on Unity premises or in any environment where representing Unity; or (ii) report to work under the influence of drugs or alcohol. For the avoidance of doubt, Unity's policy is to engage a work force free from alcohol or other substance addiction. If Contractor violates this policy they will be subject to strong disciplinary action, up to and including, immediate termination at Unity's discretion.⁷

⁷ Exhibit D1: Chris Betts Signed Contract 2016, p 1 and Exhibit D41: GLASSFORD, Craig – Employment Contract, p 3.

89. In addition, the July version of the SOPs contained, at SOP 9.3 a policy in relation to Drug and Alcohol Testing, which was issued on 11 April 2016. Under this policy, it was the responsibility of the SPM to monitor the behaviour of contractors and order a contractor or contractors to refrain from engaging in further work if the SPM had reasonable cause to believe they were under the influence of alcohol or drugs. The matter was then required to be investigated. Under this policy team members were also required to report suspected drug or alcohol use of other contractors to the SPM. The SPM was to escalate reports to the company management team.
90. The policy set out the responsibilities of individual contractors as follows:

4. Responsibility of Contractor

Unity contractors:

- > *Shall not report to work while his/her ability to perform their duties is impaired due to alcohol or drug use, nor shall a contractor be impaired while he/she is on standby, subject to being called to duty;*
 - > *Shall not have in his/her possession any illegal drugs or have any alcohol readily accessible;*
 - > *Shall not use alcohol or drugs which may impair job performance;*
 - > *Shall not purchase or possess illegal drugs;*
 - > *Shall not directly or through a third party sell illegal drugs or provide drugs or alcohol to be taken or consumed while on duty to any person;*
 - > *May be subject to an investigation if his or her supervisor has reasonable suspicion that the contractor is intoxicated or under the influence of illegal or impairing drugs or alcohol on the job during work hours; and*
 - > *Notify his/her supervisor and provide medication drug side effect information before beginning work, when taking any medications or drugs (prescription or non-prescription) which may interfere with the safe and effective performance of duties or operation of Unity equipment.*
91. The policy provided that contractors would be subject to random drug and alcohol testing during their employment, and that refusal to participate in testing may lead to disciplinary action or termination.
92. The July version of the SOPs also contained, at SOP 10, the URG Code of Conduct.⁸ The Code of Conduct states, relevantly:

⁸ Although this document records that it was issued on 10 February 2016, it did not appear to be part of the April SOPs.

Inappropriate Conduct

Unity considers the following list of behaviours inappropriate and liable to result in punitive action up to and including possible dismissal

....

- *Consumption of alcohol at any time.*
- *Illegal drug use of any kind which includes abuse of prescription drugs and steroids.*

....

93. The policy was mentioned in passing in the Training section of the SOPs⁹ where it is noted that one of the topics to be covered in induction training was “*Unity standards and conduct (alcohol, drugs, dress, whistle blowing, business ethics)*”.
94. Mr Lovett’s evidence was that the random drug and alcohol testing of contractors commenced in January or February 2016 but initially had to occur off-site as URG did not have the facilities for drug testing, or any staff qualified to do so. Mr Lovett’s recollection was that URG had moved to on-site drug and alcohol testing, which was conducted by the URG Nurse, William Anderson, before Mr Betts’ death. Other witnesses, however, including Mr Anderson himself, recall that on-site testing did not occur until after Mr Betts’ death.

Were these policies and procedures appropriate?

95. At the time of Mr Betts’ death, the SOPs contemplated a workplace in which weapons were safely stored in an armoury when not issued to contractors for operational tasks. Ammunition was to be stored separately in the magazine. These weapons security policies had been (albeit after some considerable delay), brought into line with relevant Iraqi legislation. Although, as the Commonwealth submitted, I had no direct evidence of Iraqi law, the relevant SOPs reflected URG’s understanding of that law as it applied to the safe storage of weapons.
96. In addition, the workplace was to be alcohol and drug-free, and random but regular testing was to occur to enforce the dry contract conditions. The SOPs recently been updated to include the drug and alcohol policy, providing more detailed information to URG staff.
97. Accordingly, I conclude that URG had appropriate SOPs in place at the time of Mr Betts’ death.

⁹ April SOP 7.3 - Training annexes and July SOP 7 – Unity Iraq Training.

Whether URG's weapons handling SOPs and 'dry contract' clauses were enforced by management and adhered to by staff

98. It is clear from the evidence given at this inquest that the SOPs and contract clauses which were in place were not always adhered to by URG staff or enforced by URG management. Enforcement of the SOPs and dry contract by management was inconsistent, resulting in a culture where excessive drinking and unsafe weapons handling practices by contractors was effectively ignored.

Weapons security

99. As noted above, the URG SOPs were updated before Mr Betts' death to ensure weapons were not kept in rooms. However, this policy was ignored by Mr Lovett after civil unrest occurred in Baghdad in late April and early May 2016.

100. In early May, the threat level at the Australian Embassy was reduced to Orange as the demonstrations had started to subside. However, Mr Lovett said that he still had concerns about URG operational readiness given the ongoing pilgrimage and the fact that more demonstration activity may occur on the weekend (Friday and Saturday). As a result of his concerns, he instructed the CPP teams to keep their weapons at hand, which meant that they kept them in their rooms when off-duty. Mr Lovett admitted that not all contractors had the capacity to lock up their weapons in their rooms – the most secure they could make them was to put them out of sight in a cupboard.

101. Mr Feenie's evidence was that Mr Lovett gave this directive at a meeting which had been attended by 8 to 10 URG senior staff, as well as Mr Hughes. Mr Feenie's evidence was that Mr Lovett gave the directive as the meeting was breaking up and people were leaving the room. Mr Feenie had concerns about this directive and approached Mr Lovett immediately after the meeting. He advised Mr Lovett that the directive was not in compliance with the amended SOPs or with Iraqi legislation. Mr Feenie recalls that Mr Lovett was not inclined to change his decision, and that they both then had a Skype conversation with Kevin Carlin, URG's Security Director, who confirmed Mr Lovett's directive over Mr Feenie's objections.

102. Mr Feenie said in evidence that his concern was that, if contractors continued keeping their weapons in their rooms, a casualty would inevitably occur.

103. Mr Lovett told the court that he had no recollection of Mr Feenie's objection or any conversation with Mr Carlin. He confirmed that he was aware that Mr Feenie had made the changes to the SOPs order to ensure that the SOPs were in accordance with 2009 Iraqi legislation relating to weapons and ammunition security. However, he advised the court that he believed that his directive was appropriate in the circumstances even though he

was aware that it was contrary to the SOPs, and to Iraqi law. Mr Lovett described the SOPs as 'guidelines'.

104. During cross-examination, Mr Lovett maintained that his direction was appropriate, despite the fact that it allowed weapons and ammunition to be kept in circumstances which had been considered unsafe by Mr Feenie. Mr Lovett said that the contractors were highly trained operators, but he did not take into account that any misadventure could occur when those operators were working on contract (particularly when affected by alcohol or other drugs). Mr Lovett did not accept the proposition that, but for his directive, Mr Betts would be alive today.

Drug and alcohol policy

105. A number of URG contractors gave evidence that despite the dry contract there was a culture of drinking at URG, and that some contractors were known to obtain alcohol off-site and conceal it in their rooms in water bottles. Witnesses including Mr Turner, Mr O'Keefe, Mr Duncan and Mr Bassett admitted to the court that they had participated in or at least witnessed this culture to varying extents.
106. Other witnesses, including Mr Connolly and Mr Flower, said that they knew other contractors drank, but that they did not partake themselves because they considered alcohol incompatible with their work as security professionals. All of these witnesses gave evidence that it was likely that management knew that contractors drank, because of the close quarters in which they all lived. Mr Turner's evidence was that management allowed contractors to drink so long as they did not, in effect, rub this behaviour in management's face.
107. Unsurprisingly, the witnesses who held management positions gave evidence that they were unaware of any culture of drinking. Mr Gilmour's evidence was that he knew of only two contractors drinking, both of whom he recommended for termination of their contracts in late 2015. Mr Lovett told the court that he was aware only of two contractors who were terminated after breaching the new breath tests, one of whom he agreed was Kevin McIlveen, who had been drinking with Mr Betts and Mr McKay the night before he was fired.
108. Mr Hansen said he had heard rumours that some contractors drank, but was unable to say who, and did not recall Mr McIlveen's termination. Mr Hansen's evidence was that he was not made aware, and did not know that two members of his own team had been drinking with Mr McIlveen. The only witness who held a management position who admitted that he was aware of alcohol use at URG was Mr Feenie, who said he suspected Mr Betts and Mr McKay drank because they appeared to be hungover some mornings.
109. I consider that the denials by URG managers of the culture of drinking lacked credibility. I prefer the evidence of the various contractors who said

that management looked the other way and failed to enforce the dry contract conditions consistently.

Management failure to enforce policies

110. I accept the submissions made by Counsel Assisting that the failure of URG management to enforce their weapons security policies and the dry contract, in combination, amounted to a reckless disregard for the safety of URG staff.
111. The Commonwealth submitted that there were sound reasons for Mr Lovett's direction that weapons be retained in personal quarters. There is no doubt, as Mr Lovett said, that URG contractors were highly trained professionals who had access to weapons for most of the day. The Commonwealth also pointed to the unsettled security situation in Baghdad in the lead up to Mr Betts' death, including Green Zone incursion and the Shia pilgrimage.
112. However, it is a matter of common sense that even highly trained professionals are adversely affected when they drink alcohol or take drugs. To disregard the possibility of misadventure with unsecured weapons in the confines of personal quarters when there was a known culture of alcohol consumption was a particularly irresponsible position to take. It placed the safety of the URG contractors at risk, as well the safety of the Australian Embassy staff they were paid to protect.
113. While the Commonwealth submitted that I should regard the SOPs as merely advisory, I accept Counsel Assisting's submission that the assertion that carefully drafted SOPs, which are updated to reflect current law and improve the safety of operators, are mere guidelines is illogical. There is no point in auditing, revising and updating SOPs, and ensuring compliance with local law, if they are not intended to be followed.
114. While I do not consider that Mr Lovett's directive was a direct cause of Mr Betts' death, I do conclude that, had the SOPs in place at the time of Christopher's death been complied with by contractors and enforced by URG management, Mr Betts' death could have been prevented.

Whether there was any action URG management could have taken to better enforce weapons handling SOPs and/or 'dry contract' clauses

115. The answer to this question, on the basis of what I have already outlined, is 'yes'. URG could have properly enforced the SOPs and contract clauses already in place at the time of Mr Betts' death. They were sufficient to prevent his death.
116. Following Mr Betts' death, Mr Lovett made further amendments to the SOPs which tightened weapons security even more than was required by

Iraqi legislation. Mr Lovett's evidence was that he had made amendments to the SOPs which provided that, if weapons were required to be kept 'close at hand' by contractors, they were to be locked in team weapons cages which were installed in each of the team rooms in Carl Hall. While Mr Lovett's recollection was that the weapons cages were built and in use before Mr Betts' death, numerous other witnesses said that this was not the case. Mr Lovett accepted during his evidence that the amended SOP 5.1 which included the procedures regarding the weapons cages was not issued until 4 July 2016.

117. SOP 5.1 was amended as follows (underlining indicates additional content):

WEAPONS SECURITY (pp 3 - 4)

Unity weapons are to be stored within the following areas only:

Main Armoury: *The Unity Main Armoury is to be approved and conform to the Government of Iraq, Ministry of Interior Standards this includes, solid core, single point of entry room that is cipher locked and monitored by CCTV. Cypher codes and keys to gain access to the Unity Armoury are held with the SSM and the SPM only.*

CCP Team Weapon Cages: *Team weapon cages are dual heavy duty lock secured cage, made of 5mm sheet metal. These cages are large enough to store all team rifles and pistols only. These cages are to be securely located in the "team rooms" within Carl hall.*

Team weapon cages:

- > *At the start of normal daily routine, CCP weapons are to be individually signed out from the Main Armoury and placed in the Team Weapon Cages.*
- > *The Team Leader (TL) under the direction of the Operations Manager is responsible for the security and control of their team weapon cage.*
- > *As individuals require access to the cages for a task, the weapons are then individually issued and signed for through the TL via a daily weapon sign out sheet.*
- > *At the completion of the daily tasking for the CPP team, the weapons are to be returned [to the] main armoury and individually signed in.*
- > *Team daily task sign in, sign out sheets are to be handed to the SSM and retained.*
- > *Once all weapons are returned to the main armoury the SSM will then complete a full quantity check and then report to the SPM that all CPP team weapons are accounted for and secured.*
- > *CPP Team weapon cages are only to be used for weapon storage out-of-operational hours on the escalation of the Security Alert Level and as directed by the DFAT Regional Security Advisor (RSA).*

[Storage relevant to Static Security Groups].....

AMUNITION SECURITY (p 4)

Unity ammunition is to be stored within the following three areas only:

Magazine: *All excess and unallocated ammunition is to be secured within the Unity magazine. The Unity Magazine is to be a separate location [from] the main armoury in an approved, solid core, single point of entry room that is cipher locked. A quantity/quality inspection is to be carried out weekly by the SSM and findings recorded and reported to the SPM.*

CPP and Support Staff: *“First Line” ammunition contained within applicable weapon magazines and secured within personal equipment (PPE or Go Bags). Each Team Leader is to secure and additional first line within their Team Office. A quantity/quality inspection is to be carried out weekly by the SSM and findings recorded and reported to the SPM.*

[Storage relevant to Static Security Groups].....

SIGNING FOR WEAPONS (p 4)

Weapons and their Ministry of Interior (MoI) weapons cards are to be issues, signed and accounted for using the following procedure:

- > *Individuals must sign for personal weapons, block signing out is not permitted.*
- > *Individuals must also sign for the MOI Weapon Card.*
- > *Weapons are to be stored within weapon racks along with weapon cards and issued and returned on an individual signature.*
- > *Discrepancies during the accountability of all weapons are to be reported to the SPM immediately.*
- > *When departing Contract, weapons and their cards will be returned under the supervision of the SSO. Clearance paperwork for this transaction is to be scanned, copied and held on members “P file”.*

....

WEAPONS ACCOUNTABILITY (p 4)

Each time the Main Armoury or the CPP Team weapon cages are opened and weapons are withdrawn or returned the Unity sign in/out sheet with individual weapon numbers is to be signed. This document is to be held and maintained by the SSM and provided on request to DFAT, and weekly to Unity CMT....

118. SOP 2.1 (Operational and Communication Security) was also amended to make it consistent with SOP 5.1:

Weapons and Ammunition (p 9)

All Unity staff are personally responsible for the security of any weapon and ammunition issued to them. Under no circumstances is any weapon or ammunition to be left unattended unless secured in an appropriate

*manner as per the **Unity Australian Embassy SOP 5.1 – Weapons and ammunition security**. It is the responsibility of the SPM/OPSM/SSM and CPP team leaders to ensure that arms and ammunition are correctly protected to prevent loss or theft. All weapons and ammunition not issued to individuals are to be stored in the Unity Armoury and Magazine respectively. All weapons and ammunition not issued to individuals are to be stored in the Unity Armoury.*

119. In addition, the July 2016 version of the SOPs contains a threat alert table at SOP 8.1 Annexure G, which provides that even at the highest alert level when contractors should have their weapons 'to hand' CPP weapons are to be secured in the team weapons cage if not in operational use.
120. Weapons cages appear to be a sensible and practical alternative to keeping weapons in the armoury. As Mr Lovett advised, contractors could be exposed to fire while signing their weapons out of the armoury in the event of an attack. While Mr Lovett and URG should not be criticised for bringing in the enhanced safety measures, it could be said that it amounted to closing the gate after the horse had bolted. I accept Counsel Assisting's submission that such measures could have been considered and implemented sooner rather than authorising a return to the retention of weapons in contractor's rooms.

Whether there was adequate oversight of the URG contract by DFAT

121. Anthony Hughes was the DFAT Regional Security Advisor at the Australian Embassy in Baghdad. His evidence was that his role was to manage the safety and security of all staff at the Embassy and to oversee the day-to-day operational management of the URG contract. The question whether there was adequate oversight of URG's contract by DFAT was put to him during his evidence. His response was that he thought his oversight was adequate at the time but is now aware that it was not sufficient.
122. Mr Hughes' evidence was that, while he discussed a broad range of operational and logistical matters with URG, URG did not report disciplinary matters to him in their daily contacts or weekly formal meetings. He admitted, in cross examination, that although his role was to oversee URG's contract, and he was aware that URG had SOPs. However, he was not aware generally of whether URG's operations complied with their SOPs, and in particular, was not aware that Mr Lovett's directive following the demonstrations was contrary to the SOPs or to the relevant Iraqi law, or at least the URG understanding of the local law as set out in the SOPs.
123. Mr Hughes' evidence in cross examination was that he always found URG staff to be professional. He never saw any conduct which caused him concern, and he relied on URG's expertise in respect of the provision of their work under the contract. I accept that he was not made aware of

concerns about guns being retained by contractors in their rooms or of the failure by URG to comply with the dry contract requirements.

Was DFAT aware of weapons mishandling or alcohol use before Mr Betts' death?

124. After Mr Betts' death, a former URG Nurse, Tanya Ferrai, claimed that she had raised with both URG and DFAT, among other issues, concerns about weapons mishandling and the drinking culture at URG. Ms Ferrai was quite firm in her evidence that she raised these particular concerns with DFAT prior to Mr Betts' death. She claimed she had documentation which supported her claims, although she did not provide this documentation to DFAT, nor did she provide it to the AFP during their investigation.
125. Ms Ferrai repeated her claims in her evidence at the inquest and said that she had the relevant documentation on a USB drive. On request, she agreed to provide this evidence to the court. She also gave evidence that when URG management heard she had contacted DFAT, she was bullied and harassed and was threatened with termination of her employment if she continued to report issues to DFAT.
126. During his evidence at inquest, Mr Hughes denied that URG had ever made him aware of any drug or alcohol use, or any weapons mishandling by contractors prior to Mr Betts' death. Mr Lovett, however, gave evidence that when disciplinary matters arose within URG such as contractors being terminated for drinking, he advised DFAT of these matters. One of the two contractors he refers to, Mr McIlveen, was fired while Mr Hughes was the Embassy liaison with URG.
127. This issue was unable to be resolved at the inquest sittings as Ms Ferrai required time to provide the information she asserted that she held to the court. DFAT also needed to consult its own records and provide evidence about whether any documents showed such contact with Ms Ferrai.
128. Despite being served with a formal notice by the court, and email exchanges giving clarification of that notice, Ms Ferrai has not provided to the court any documentation which supports her claims.
129. On 7 February 2020, DFAT provided a lengthy affidavit to the court, affirmed by Luke Williams, Chief Security Officer, Diplomatic Security Division. Mr Williams affirmed that he has interrogated DFAT's records and contacted relevant DFAT officers (with the exception of two officers who no longer work for DFAT) and has provided all material relevant to this issue in his affidavit.
130. The Annexures to Mr William's affidavit, which include emails and file notes of conversations between DFAT officers and Ms Ferrai, as well as documents provided to DFAT by Ms Ferrai, confirm that Ms Ferrai did not raise the issues in question with DFAT prior to Mr Betts' death. The closest Ms Ferrai came to referring to these issues was making various

references in her written documents to 'newspaper articles', and advising one of the former DFAT officers during a meeting on 24 January 2016 that there were other concerns she wished to raise with him that she had not raised previously. Ms Ferrai left this meeting without discussing the 'other' concerns.

131. I accept DFAT's evidence in respect of this issue, and conclude that DFAT was not made aware by Ms Ferrai of weapons mishandling or alcohol misuse by URG staff before Mr Betts' death. It is possible that Ms Ferrai was mistaken in her recollection. This is understandable given the volume of information she gave to DFAT, and the stressful circumstances she was under at the time.

Was there adequate oversight of the contract by DFAT?

132. In written submissions, the parties agreed that whether DFAT knew of alcohol use or weapons mishandling before Mr Betts' death was, to some extent, a side issue in respect of the question of whether there was adequate oversight of the URG contract by DFAT.

133. Mr Hughes admitted that, in hindsight, there were other things he could have looked into while he was in the role of Regional Security Advisor. His answers in cross-examination suggested there were important gaps in his knowledge with respect to his familiarity with the SOPs and relevant Iraqi law (as reflected in the SOPs), and even particular details of the contract between DFAT and URG regarding DFAT's right to request records from URG.

134. In fairness, however, the evidence heard at this inquest from staff of URG strongly suggested that URG management were engaged in actively covering up information which did not reflect well on the company. In these circumstances, it is likely that Mr Hughes, and other DFAT staff, were deliberately kept in the dark by URG about internal issues. In those circumstances, I am unable to conclude that DFAT's oversight of the contract was inadequate.

135. Clearly, the failure by URG to enforce its own SOPs had the capacity to jeopardise the safety of its contractors and Embassy officials. The outsourcing by DFAT of security operations to commercial security companies should not result in practices being introduced that would be unacceptable within the Australian Defence Force, which previously provided these functions.

Findings required by s.45

136. I am required to find, as far as is possible, the medical cause of death, who the deceased person was and when, where and how he came by his death. As a result of considering all the evidence, including the material contained in the exhibits, I am able to make the following findings:

Identity of the deceased – Christopher Stewart Betts

How he died -

Mr Betts was a private security contractor employed by Unity Resources Group (URG). URG held the contract for security services at the Australian Embassy in Baghdad, Iraq. His usual place of residence was Hervey Bay, where he lived with his partner.

On the last night of his eight week deployment Mr Betts was in the room of another contractor, Sun McKay, within the embassy compound. Both men were due to return to Australia for leave the following day. They had been playing online computer games with other contractors. They had been drinking and were affected by alcohol.

Just before 2:30am Mr Betts took Mr McKay's Glock handgun, which was kept in Mr McKay's room and had been loaded earlier by Mr McKay. Mr Betts held it next to his head and pulled the trigger. Mr Betts suffered a fatal gunshot wound to the head.

I am unable to find that Mr Betts intended to take his own life. It is likely that Mr Betts' death was a tragic accident.

Place of death –

Carl Hall, Australian Embassy Compound in Baghdad, Iraq.

Date of death –

12 May 2016.

Cause of death –

Mr Betts died from a gunshot wound to the head.

Comments and recommendations

137. Section s 46 of the *Coroners Act* provides that a coroner may comment on anything connected with a death that relates to public health or safety, the administration of justice or ways to prevent deaths from happening in similar circumstances in the future.
138. URG no longer holds the DFAT contract for security services. URG management did not participate in this inquest and produced no records to assist the inquest. Neither did they cooperate with the AFP investigation. They failed to express any regret for Mr Betts' death.
139. As URG are not an Australian entity, the court has no jurisdiction to make any recommendations in respect of that entity's future operations. Notwithstanding, I accept the submissions from counsel for Mr Betts' family that the evidence exposed serious issues in relation to the capacity of URG to provide security services to the Australian Embassy.
140. Submissions were made by Counsel Assisting that, in the circumstances, a recommendation which addressed DFAT's acceptance and oversight of any future contracts for security services could help to prevent similar deaths in the future.
141. DFAT has welcomed such a recommendation and made written submissions about the wording which would make such a recommendation workable. I have accepted the submissions of DFAT in this respect.

I recommend that the Department of Foreign Affairs and Trade:

- a. ensures, in respect of all future contracts for security services, that contracting companies have appropriate Standard Operating Procedures, and procedures to enforce those Standard Operating Procedures, in place, particularly regarding weapons and ammunition security and drug and alcohol use by their employees; and***
- b. takes all reasonable and practical steps, in accordance with relevant contract provisions, to ensure contracting companies and their staff adhere to their Standard Operating Procedures.***

142. I close the inquest.

Terry Ryan
State Coroner
Brisbane
8 June 2020