

1923.  
(SECOND SESSION.)

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

---

HOUSE OF REPRESENTATIVES.

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REPORT

FROM THE

SELECT COMMITTEE

ON THE CASE OF

EX-GUNNER YATES;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE, MINUTES OF EVIDENCE,  
AND APPENDIX.

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*Ordered by the House to be printed, 8th August, 1923.*

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EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE HOUSE  
OF REPRESENTATIVES.

THURSDAY, 12TH JULY, 1923.

8. **EX-GUNNER YATES.—SELECT COMMITTEE.**—The Order of the Day having been read for the resumption of the debate on the following motion of Mr. Charlton :—That a Select Committee be appointed for the purpose of inquiring into the statements made by the late Minister for Defence, Senator Pearce, and the ex-Prime Minister, the Right Honorable W. M. Hughes, reflecting on the character of ex-Gunner Yates, with power to recommend compensation if deemed necessary—

Mr. Groom (Attorney-General) moved, as an amendment, That all the words after the word "That" be omitted with a view to the insertion of the following words in place thereof :—

- "(1) In view of the finding of the Special Committee appointed to inquire into the reply furnished by the Assistant Minister for Defence in this House on 14th April, 1920, regarding the War Service of ex-Gunner Yates, a Select Committee of this House be appointed to inquire into and report upon the question whether under the circumstances ex-Gunner Yates is entitled to any compensation, and, if so, what should be the amount of compensation.
- (2) Such Committee consist of the following Members :—Mr. Charlton, Mr. Hurry, Mr. Mackay, Mr. Makin, and Mr. Thomas Paterson, three to form a quorum, with power to send for persons, papers, and records, and to adjourn from place to place, and have leave to report from time to time its proceedings and the evidence taken, and such Committee do report not later than one month from the date of the passing of this motion."

Question—That the words proposed to be omitted stand part of the question—put and negatived.

Question—That the words proposed to be inserted be so inserted—put and passed.

Question—That—

- (1) In view of the finding of the Special Committee appointed to inquire into the reply furnished by the Assistant Minister for Defence in this House on 14th April, 1920, regarding the War Service of ex-Gunner Yates, a Select Committee of this House be appointed to inquire into and report upon the question whether under the circumstances ex-Gunner Yates is entitled to any compensation, and, if so, what should be the amount of compensation.
- (2) Such Committee consist of the following Members :—Mr. Charlton, Mr. Hurry, Mr. Mackay, Mr. Makin, and Mr. Thomas Paterson, three to form a quorum, with power to send for persons, papers, and records, and to adjourn from place to place, and have leave to report from time to time its proceedings and the evidence taken, and such Committee do report not later than one month from the date of the passing of this motion—

put and passed.

## REPORT.

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The Select Committee, appointed on the 12th July, 1923, has the honour to submit the following Report upon the questions referred to it by the House, viz. :—" In view of the finding of the Special Committee appointed to inquire into the reply furnished by the Assistant Minister for Defence in this House on 14th April, 1920, regarding the War Service of ex-Gunner Yates, whether under the circumstances ex-Gunner Yates is entitled to any compensation, and, if so, what should be the amount of compensation."

After considering the finding of the Special Committee and after hearing evidence from ex-Gunner Yates, a majority of your Committee is of opinion that ex-Gunner Yates suffered injury to his reputation through inaccurate and misleading information being supplied by the Department of Defence—information based on inferences drawn from records admittedly so incomplete as to afford no justification for the statement that ex-Gunner Yates took no part in the big offensive.

In view of the stigma cast upon the reputation of ex-Gunner Yates by the publication of the statement your Committee is of opinion that ex-Gunner Yates is entitled to compensation, and recommends that the amount should be £200.

G. HURRY,  
Chairman.

Committee Room,  
8th August, 1923.

## PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 18TH JULY, 1923.

Mr. Charlton, Mackay,	<i>Present :</i> 	Mr. Makin, Thomas Paterson.
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The Clerk of Committees read the extract from the Votes and Proceedings of the 12th July, 1923, appointing the Committee.

Mr. Paterson moved—That Mr. Hurry be appointed Chairman of the Committee—agreed to.

Mr. Charlton was temporarily called to the Chair.

The Committee deliberated.

The Committee adjourned until Wednesday next, at 10 o'clock a.m.

WEDNESDAY, 25TH JULY, 1923.

<i>Present :</i>		
MR. HURRY, in the Chair ;		
Mr. Charlton, Mackay,		Mr. Makin, Thomas Paterson.

The Committee deliberated.

The Committee adjourned until Wednesday next, at 10 o'clock a.m.

WEDNESDAY, 1ST AUGUST, 1923.

<i>Present :</i>		
MR. HURRY, in the Chair ;		
Mr. Charlton, Mackay,		Mr. Makin, Thomas Paterson.

George Edwin Yates, a Member of the House of Representatives, sworn and examined.

The Committee deliberated.

The Committee adjourned until to-morrow at 12 o'clock noon.

THURSDAY, 2ND AUGUST, 1923.

<i>Present :</i>		
MR. HURRY, in the Chair ;		
Mr. Charlton, Mackay,		Mr. Makin, Thomas Paterson.

The Committee deliberated.

The Committee adjourned until Tuesday next, at 9.30 o'clock a.m.

TUESDAY, 7TH AUGUST, 1923.

<i>Present :</i>		
MR. HURRY, in the Chair ;		
Mr. Charlton, Mackay,		Mr. Makin, Thomas Paterson.

The Committee deliberated.

Mr. Paterson moved—This Committee finds that ex-Gunner Yates suffered injury to his reputation through inaccurate and misleading information being supplied to the then Assistant Minister for Defence by the Defence Department respecting his War Service—information based on inferences drawn from records admittedly so incomplete as to afford no justification for the statement that ex-Gunner Yates took no part in the big offensive.

Question—That the motion be agreed to—put.

The Committee divided—

<p style="text-align: center;">AYES (3).</p> Mr. Charlton, Makin, Thomas Paterson.		<p style="text-align: center;">NOES (1).</p> Mr. Mackay.
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And so it was resolved in the affirmative.

Mr. Makin moved—That this Committee is of opinion that compensation is due to Mr. Yates for such statements.  
 Amendment (Mr. Mackay)—That the following words be substituted for all the words of the motion after the word "That" (first occurring) "this Committee is of opinion that the Defence Department is to blame for not having taken sufficient care in answering the questions submitted by Mr. Makin in the House of Representatives, but considers that the apology tendered by Sir Granville Ryrie is sufficient compensation. The Committee recommends that the evidence by the Special Committee be published as a Parliamentary Report so that ample publicity should be given to the fact"—not made.

Question—That the motion submitted by Mr. Makin be agreed to—put.

The Committee divided—

AYES (3).	NOES (1).
Mr. Charlton, Makin, Thomas Paterson.	Mr. Mackay.

And so it was resolved in the affirmative.

Mr. Hurry moved—That the Committee recommends that the amount of compensation be £200.

Question—That the motion be agreed to—put.

The Committee divided—

AYES (3).	NOES (1).
Mr. Charlton, Makin, Thomas Paterson.	Mr. Mackay.

And so it was resolved in the affirmative.

The Committee adjourned.

WEDNESDAY, 8TH AUGUST, 1923.

*Present :*

MR. HURRY, in the Chair ;

Mr. Charlton, Mackay,	Mr. Makin, Thomas Paterson.
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The Chairman presented the Draft Report.

The Draft Report was considered and amended by inserting in line 2 of paragraph 1 before the word "your" the words "a majority of."

On the motion of Mr. Charlton, the Report, as amended, was adopted.

The Report of the Special Committee was ordered to be attached to the Report [Appendix].

The Committee adjourned.

## MINUTES OF EVIDENCE.

WEDNESDAY, 1ST AUGUST, 1923.

*Present:*

Mr. HURRY, in the Chair;

Mr. Charlton	Mr. Makin
Mr. Mackay	Mr. Thomas Paterson.

George Edwin Yates, M.P., sworn and examined.

1. *By the Chairman.*—You will understand that this Committee was appointed not to deal with the merits of your case, but to make inquiries as far as damages are concerned. You are a member of the House of Representatives for Adelaide?—Yes.

2. In what year did you enlist in the Australian Imperial Force?—1916.

3. What position did you hold at that time?—I was member for Adelaide.

4. You embarked when?—On the 26th November, 1917.

5. And returned to Australia, when?—In February, 1919.

6. Certain statements were made by the ex-Prime Minister. Do you remember the date of those?—No. It was when the House assembled. You will obtain that information from the *Hansard*.

7. When did you contest the next election?—On 13th December, 1919.

8. Were you returned or not?—I was defeated.

9. What was the date of the next election?—It was held in 1922.

10. Since then you have been a member of the House of Representatives?—Yes.

11. On the question of damages, you received certain payments after the conclusion of the investigations of the last Committee of Inquiry?—Yes, after the inquiry.

12. What was the reason for such payment?—It consisted of £8 for loss of salary and return fare from Adelaide to Melbourne. I was five days in Melbourne. It represented wages lost, fares, and subsistence whilst in Melbourne. I signed a quittance for that amount.

13. What was the total amount?—£17.

14. That did not represent damages?—No. It was a refund of the money I had expended.

15. You are now at liberty to put your case before the Committee?—Of course, you know that I was defeated at the elections held in 1919, and I was no longer an entity of this House. The ex-Prime Minister, at that time, saw fit—I do not know with what object—to place my party and myself in an anomalous position. As the individual concerned, I should have been wanting in my duty and self-respect had I not prompted the questions which the honorable member for Hindmarsh placed upon the notice-paper of this Parliament. Those questions were for the purpose of placing the statements of the ex-Prime Minister in their true perspective. I had to depend on them for exoneration. The most grievous hurt of all was the misstatements of the Defence Department to the effect that I could not have taken part in the "hop-over" at the big offensive on the 8th August, 1918, as I was then minding a dump. That was one of the most serious reflections possible to put on a man—an inference that he had not carried out the services required of a soldier. The statement did not hurt me so much as it did my family. My honour was involved. No more serious reflection, coming as it did from the highest authority in the Commonwealth, could have been made. It appalled me at the time. Luckily I kept a diary of my movements the whole time that I was in France, and I felt certain that if I could promote an inquiry, I

could place before it the true facts, and, at least, refute the lies which had been made about me. As you know, I did that.

16. Are you not wandering from the question of damages?—No. I am supporting my case by submitting statements which were afterwards proved.

17. The Committee has nothing to do except with the question of damages?—I wish to put the position in its true perspective. During the election at which I was defeated, I was more than once asked by the people if I had ever been in the line.

18. *By Mr. Paterson.*—That was during the campaign?—Yes. There seemed to be some doubt about it.

19. *By Mr. Mackay.*—Was that before the ex-Prime Minister's statement was made?—Yes. I know of no reason why I should be asked these questions. This atmosphere permeated South Australia. The suggestion was that I was not a soldier, but a tourist. In fact, it was pointedly put to me, and I could not understand the reason. In one instance, a man named Tom Montgomery, a boiler inspector at Islington, in South Australia, appointed to the position by the Government of which Mr. Blundell was a member, stated on the platform that Yates had never been in the line. Mr. Makin will know Montgomery, because he is an Islington worker. Montgomery has since been asked to make that statement public, but, of course, he refused to do so, as I had "nailed the ghost." In 1919, when the Defence Department made their declaration, I knew whence the statement concerning my military record had originated. I really think that Mr. Hughes, when making that statement believed that he was telling the truth, but he was misinformed by the Department. How the Department misconceived the position is beyond my comprehension. I should, at least, be protected, and the Department should render to me ordinary justice. I am of the opinion that the knowledge of this incorrect information by the public of South Australia was the main cause of my defeat at the election, because I lost by only 334 votes. When I received from the previous Committee a refund of £8 for a week's wages, it was the first week during which I had had employment. Prior to that, I was ten months out of work. As I mentioned previously, the premature disclosure of the Defence Department's information was the outstanding feature which operated against me at the election. As you know, Parliament is protected, and does not pay the penalty of misstatements supplied to members. If I had had the means, I should have prosecuted the Defence Department for supplying wrong information to members on the floor of the House. I do not know the law, but I do not think that the Defence Department, in overstepping the bounds of truth, are immune from prosecution, because adequate protection should be afforded members of this House. The Department made this statement wilfully. You may not agree with me, but I suggest that it was not done without some scintilla of malice, and with the intention to do me a harm, which they would not have done to any other individual. Although I did not rise in rank in the Australian Imperial Force—in fact, I did not make an effort to do so, because I took my job as I found it—I defy any man to say that I "squibbed" my work. It mattered not to me what was the job. I had nothing to be ashamed of, and when I was asked at the Board of Inquiry if I objected to a colonel presiding at such inquiry, I replied, "The higher the authority the

greater the confirmation." I carried out my duty at the Front. I do not boast of it, as I suppose thousands of men did the same thing. The previous inquiry returned a verdict in my favour without compensation. They passed that over. Their finding is not generally known to the public, who still believe that I did not take part in the actual warfare.

20. *By the Chairman.*—Nothing could be more definite than the finding of the Special Board?—The finding was definite, but it obtained very little prominence, at least in the eyes of the general public. The honourable member for Warringah said that some one would suffer if he had been "sold a pup." No one has suffered excepting myself. I claim compensation as an ordinary citizen, and as a soldier, who did what others said we all should do. God knows that I need not have enlisted, but I set an example to others, because I thought it was my duty. I took part in the fighting, and yet I am the only man in public life who has had such allegations hurled at him. I was a defeated candidate, and could not retaliate. The only retaliation I wished was to show to the public of Australia that the Department had sinned against me, and should therefore make reparation.

21. Can you give any evidence as to damages?—Not other than the loss of my public position at that time, which, in the light of after events, was proved to have affected the votes. The lies emanated from such a source as to give them credence and prominence. On my defeat at the elections of 1919, I knew it was of no use for me to return to my old line of business. I made application for a soldiers' block, and after waiting ten months the call came to me. But just at that time, the secretary of the Australian Labour party in South Australia resigned his position to enter the sphere of journalism, and I was lucky enough to secure it. That is how I came to hold that position when the previous inquiry was made, and during my first week of employment I came to Melbourne, and subsequently obtained a refund for loss of salary.

22. Can you give any evidence of material damage. The statement of the ex-Prime Minister in Melbourne, in 1920, according to the records, was made after your defeat at the elections. Then, at the next elections, in 1922, you obtained a most triumphant majority?—That is not so.

23. You were elected by a very good majority?—The majority in 1922 was 700 odd, but, in 1914, it was 7,000.

24. Instead of being a defeated candidate, you were elected in 1922, taking all the circumstances into consideration, by a triumphant majority?—Yes.

25. From that it would appear that you had not been materially damaged?—It all depends upon what the damages are assessed.

26. The election was before the statement of the ex-Prime Minister?—I suggest that influences were then at work which I could not nail down.

27. Is not that too far-fetched? We are, as it were, a legal tribunal, and yet you wish us to consider events which occurred before the first statement was made. Is that reasonable?

28. *Mr. Mahin.*—The witness is trying to give some idea of the origin of that statement.

29. *By the Chairman.*—You wish the Committee to take into consideration remarks which were made before the election took place?—Let me give an illustration, although I do not accuse the gentleman concerned of wilfully conveying a false impression. During the election campaign in Adelaide, in 1919, there was a big meeting held in the Town Hall, at which I was not present. The present Speaker (Mr. Watt) was speaking on behalf of the Liberal candidates, and you will be able to trace his remarks in the records of the *Advertiser*, *Daily Herald*, or *Register*. In effect, he said that he had nothing to say against Mr. Yates,

but he had a lot to say for Mr. Blundell, who had stood behind Mr. Hughes and the Empire. The following morning, a man said to me, "Watt put it all over you last night." I said, "What did he say?" and he repeated to me Mr. Watt's remarks. The inference was that I did not stand behind Mr. Hughes and the Empire, although Mr. Blundell did. I am suggesting that the nature of the reply given by the Defence Department on the floor of the House to the effect that I had never been in the line had already been circulated in South Australia. Had it not been for the later statement of the Defence Department, I would never have been able to nail down that lie. Every soldier who left these shores did his duty, but I know that some would suggest that a man minding a dump would be holding a "cushy" job.

30. *By Mr. Mackay.*—It would be no disgrace if a man looked after a dump?—No; but you know the reasoning of the general public.

31. *By the Chairman.*—The difficulty is how to connect with this inquiry anything that occurred before the original remarks of the ex-Prime Minister? In the campaign of 1919, the use of the statement that I had never been in the offensive showed that some one had circulated it. I know of one man who actually stated it.

32. *By Mr. Mackay.*—Was that statement made publicly?—Yes. It was made on the political platform, in the Botanic Park, of Adelaide. It was impossible to prosecute, owing to the difficulty of obtaining witnesses. The person concerned was challenged to make the same statement later, but he would not do so. Besides, it would not have been worth my while to have prosecuted him. Although I would have cleared my reputation, it would have cost me a considerable sum, because I would have been unable to get very much out of that person.

33. We are not very much concerned with the remarks made by the ex-Prime Minister, inasmuch as he did not mention anybody's name. We are really concerned with the statements made by the Department?—The Department made a grave statement concerning my record.

34. *By the Chairman.*—Can you bring before the Committee any evidence of material damage?—I suggest that the information which the Department had at their disposal, and which was made public after questions were placed on the notice-paper of this House, had already been disseminated throughout South Australia.

35. You must submit evidence of that?—I have given you all the evidence at my disposal. I have quoted the case of Mr. Montgomery and Mr. Watt. It may be that Mr. Watt was misled in the same way as was the ex-Prime Minister.

36. *By Mr. Charlton.*—The witness' contention is that, although the information was supplied by the Department subsequent to the election, yet, in effect, it had been circulated prior to the election at which he was defeated?—That is the suggestion.

37. *By the Chairman.*—Have you any evidence as to sentimental damage?—By law—I have had reason to look it up recently—it is termed "special damage." I do not ask for special damage other than what my evidence would indicate. I was satisfied that influences to my detriment were at work prior to the election of 1919; but I could not then nail them down. The subsequent statement of the Defence Department showed me whence they emanated.

38. It is merely a matter of suspicion?—I submit that suggestion to the Committee.

39. Is there anything else you wish to say?—Nothing, except that this matter affects my honour to an extent suffered by no other individual of the community.

40. Your honour was cleared by the finding of the previous inquiry?—Only in relation to the position

created in the House; but it did not cover any form of compensation which would have been granted in the ordinary course of law.

41. *By Mr. Mackay.*—You have already stated that you do not want to add anything to your evidence regarding material damage, except that you have a suspicion that your defeat at the election was due to the premature circulation of the statement made by the ex-Prime Minister?—I could not offer any actual evidence that I suffered a loss thereby, except as to prestige and reputation. The statement was made by Mr. Hughes that there were only two men of the other side who wore a uniform, and that at least one of them had seen service in every branch of the Forces. I was one of the two men mentioned, and I could not let such an imputation stand without contradiction. Consequently, I submitted certain questions to Mr. Makin.

42. You have already stated that someone was responsible for uttering certain statements on the election campaign in 1919. How do you account for the information in reply to the questions asked by Mr. Makin coming from a man outside the Department altogether, I think Colonel Cuddy?—I cannot account for it at all. When I submitted my questions to Mr. Makin, I was sure that the Department would need only to look up my records to see that their information was wrong.

43. *By the Chairman.*—Have you ever seen the document B103?—I could not say; I signed such a lot of things.

44. It is of a very sketchy nature, and contains no detailed information at all?—That is my want of knowledge.

45. *By Mr. Mackay.*—In regard to sentimental damage, you say that you yourself have felt the effect, but not to the same extent as have your wife and family?—If I were assessing my own damages, they would be little. I have two libel actions pending at present. During the last elections, some one was kind enough to say that I had had trouble in Port Pirie, and, at the instance of the Town Council, had been escorted out of the town by the police. I have never in my life been in the hands of the police. The statement was made to harm me; but it did not succeed. In prosecuting for damages, I examined similar cases, and I found that the amount awarded was about £1,000. I sued for that sum. I did not want to exploit my opportunity for personal gain, but to ask for what was considered by the general community fair and adequate damages for assailing a man's character. Since the finding of the inquiry was promulgated, I forwarded to Mr. Tudor my request to this Parliament for damages, and I assessed them at the same amount for which Mr. Full issued a writ against a member prior to the election in Queensland. He then assessed his military reputation at £2,000.

46. Did you suffer socially?—I am suffering now. A lot of people think that I was simply white-washed.

47. You claim that the answers to the questions submitted to this House gained more publicity than did the withdrawal of the statements?—I am certain of that. The press makes public opinion. A finding placed on a file of this House does not gain anything like the publicity that would be obtained by being circulated broadcast in the columns of the press. I know that there is a certain element of doubt even now in the minds of some people whether I was really a soldier. I cannot stand on the top of the Post Office and proclaim my innocence. An insidious influence has been at work, and any action this Committee may take will not wholly wipe out the stigma.

48. Do you think that you may be over-sensitive?—Possibly. But the information came from a very high authority, viz., the Defence Department. Some men would take no notice of it, but I might, as you say, be perhaps over-sensitive.

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49. *By Mr. Paterson.*—You have mentioned three things—firstly, what Montgomery said prior to the election of 1919; secondly, what Mr. Hughes implied in March after the election, and thirdly, what the Department told the Minister for Defence in April, 1920. With regard to the first, was Montgomery in any way connected with the Department? Was he a political agent?—In the majority of cases he presided at the meetings of Mr. Blundell.

50. You could not directly connect with the Defence Department anything that Montgomery said?—No.

51. You could not blame the Defence Department for anything that Montgomery said?—No, not by direct evidence.

52. You spoke of the question of publicity, and said that more publicity had been given to the original statement than to the reply received?—That is my opinion.

53. It struck me that when Mr. Charlton brought this matter up in the House on your behalf, the *Age*, *Argus*, and other papers gave it a very full report. It showed that the previous Committee had completely exonerated you in every shape and form. Do you not think that the publicity then received was equal or overtook anything that had been stated previously?—The publicity which will be given to this matter by the finding of this Committee may in future years influence my public life, and it may undo some of the injury. There is a difficulty in obliterating the effect of harm done to any individual. Even if I am recompensed for harm done to me the white-washing effect still remains. When a soldier has been harmed by the Defence Department, more should be done by way of reparation than merely saying "We were wrong," as it still leaves a stigma that I was merely white-washed.

54. You consider that, after the questions were answered in the House, you were still under a cloud?—Yes.

55. Would you not consider the result of the last election a recognition by the people that that cloud had been dispersed?—I thought that would happen. But compared with the previous election the votes on which I was returned at the last election did not include more than 50 extra. Whereas in 1914 I had a majority of 7,000, now it is 700; previously I was defeated by 360.

56. It would be impossible to suggest that the circumstances at any election could ever be the same?—I know we are dealing with a complex matter.

57. *By Mr. Makin.*—You referred to a certain statement made by Mr. Montgomery. At that time was he not directly associated with the political organization which represented the Government?—Yes. He was a representative of the breakaway Nationalist Labour movement.

58. He was an executive officer?—Yes.

59. Therefore channels of information not open to the ordinary citizen would be open to him?—Quite so.

60. You were subject to personal embarrassment, and also your family, by reason of the statements that were made from time to time?—It was not so much the statements that were made, but in certain instances questions were put to me whether I had served in the line. It was something which was negligible yet tangible. When the Defence Department made its statement, I knew then whence the suspicion originated.

61. You were embarrassed in mixing with the general community and you felt that you were not free from the element of suspicion cast upon you by the Defence Department?—Quite so.

62. At the last election was anything said by public speakers or canvassers in respect to that circumstance?—Not that I am personally aware. Compared to what it was in 1919, the war spirit at the 1922 election had died very much. I suppose, in the next election, the war will play a still less important part. At the time I was defeated, it played an all important part.



63. You feel that your influence, as a public man, has been seriously impaired in consequence of these statements?—Undoubtedly.

64. You feel that it is almost impossible to restore the damage which has been caused to your reputation as a private citizen and a public man?—It will never be restored in its entirety.

65. *By Mr. Charlton.*—What age were you when you enlisted?—Forty-six years of age.

66. You were over the military age?—Yes.

67. You enlisted simply because you thought it was your duty?—I enlisted as a matter of principle.

68. When the statement of the Defence Department appeared in the press I suppose you felt very much hurt?—Very much so.

69. And I suppose it reacted upon your wife and family?—My little girl cried when I enlisted, but when she saw me off at the station clothed in my regimentals she said to me “I cried when you enlisted, but now I am proud of you”.

70. You consider that the Defence Department should protect those who gave their services for Australia, because they were really the guardians of your honour?—It should be their first consideration.

71. Consequently you felt it very keenly and regretted it very much when official statements concerning yourself and reflecting upon your bravery, were made by the Department?—Quite so. I regretted it all the more, because, in view of my public position at the time I enlisted, I could have segregated myself from the ordinary duties of a soldier; but I took everything as it came. I paid the price of my position in politics. I was a labour man.

72. Your wife, children and yourself were caused great pain and distress of mind on account of the statements of the Defence Department?—Very much so.

73. *By the Chairman.*—That goes without saying?—It was very keenly felt by my sister and daughter.

*The witness withdrew.*

## APPENDIX.

The Honorable the Minister for Defence.

Sir,

In accordance with the intimation made by the Assistant Minister for Defence in the House of Representatives on the 5th May, 1920, the Members of the Committee then nominated mutually agreed on Lieut. Col. Harold Cohen, C.M.G., D.S.O., as Chairman. The Committee met on 20th August last, and agreed upon the following questions as being the basis for the inquiry of the Committee :—

1. Are the statements or any of them made in the reply given in the House of Representatives to the questions asked by the honorable Member for Hindmarsh as to the services of Mr. G. E. Yates in the A.I.F. misleading or incorrect, and, if so, in what respect?
2. Are the statements of Mr. G. E. Yates as to his services in the A.I.F., as set out in his letters to the Honorable F. Tudor, and read in the House of Representatives on 22nd April, 1920, correct?

On the instruction of the Chairman, the Secretary for Defence and Mr. G. E. Yates were communicated with and invited to submit the names of any persons whom they desired to appear before the Committee as witnesses.

On the 20th September inst., the Committee sat in public at the Victoria Barracks, Melbourne, and took the evidence of Brigadier-General C. H. Foott, C.B., C.M.G., Major J. M. Lean, Major G. Retchford, Lieut. Col. H. O. Caddy, C.M.G., D.S.O., Messrs. Ernest Herrick and Selby Capron, late of the A.I.F., Mr. T. Trumble, Secretary for Defence, and Mr. G. E. Yates. Mr. G. E. Yates was invited to question witnesses.

Having considered the evidence and exhibits, your Committee answers the questions above set out as follows :—

1. The statement made in the reply given in the House of Representatives to the sixth question asked by the honorable Member for Hindmarsh as to the Services of Mr. G. E. Yates in the A.I.F., was misleading or incorrect, inasmuch as Mr. G. E. Yates did participate in the offensive which commenced on the 8th day of August, 1918, and in the engagements at Villers-Bretouneux on 15th June, 1918, Morlancourt on 29th July, 1918, and Hamel on 4th July, 1918.
2. Yes.

The transcription of the shorthand notes of the evidence and exhibits therein referred to are herewith and the circumstances under which the said reply was given appear therein.

HAROLD COHEN, Chairman.  
R. W. BEST, } Members.  
T. J. RYAN, }

Melbourne, 24th September, 1920.