

**IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMON LAW DIVISION
MAJOR TORTS LIST**

SCI 2014 06770

BETWEEN

MAJID KARAMI KAMASAE

Plaintiff

– and –

THE COMMONWEALTH OF AUSTRALIA and others
(in accordance with the Schedule to the Writ)

Defendants

**REPLY TO THE DEFENCE OF THE SECOND DEFENDANT
TO THE THIRD AMENDED STATEMENT OF CLAIM**

Filed pursuant to paragraph 4 of the orders of
the Honourable Justice McDonald dated 12 September 2016

Date of document:	7 October 2016		
Filed on behalf of:	The Plaintiff		
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In reply to the Defence of the Second Defendant to the Third Amended Statement of Claim dated 19 September 2016 (**G4S Defence**), the Plaintiff says:

1. Save as to the admissions contained in the G4S Defence and where otherwise pleaded in this Reply, the Plaintiff joins issue with each and every allegation in the G4S Defence.
2. As to paragraph 185S(c):
 - a. He denies the allegations contained in that paragraph;
 - b. He says further that confinement of the Plaintiff and False Imprisonment Group Members at the Centre was unlawful pursuant to the laws of PNG.

Particulars

- i. Any deprivation of liberty outside that which is authorised by s42(1) of the PNG Constitution is unconstitutional and illegal.
- ii. There is no exemption under s42(1) of the PNG Constitution that applies to the Centre.
- iii. Section 42(1)(g) of the PNG Constitution does not apply to restraint at the Centre because the Plaintiff and False Imprisonment Group Members entered PNG and remained pursuant to an exemption granted to them under s20 of the PNG Migration Act.

- iv. The 2012 Direction did not provide any valid basis for curtailing the rights and liberties granted under the PNG Constitution.
- v. The Plaintiff relies on the decision of *Namah v Pato* [2016] SC1497.

D CURTAIN

G COSTELLO

F FORSYTH

M SZYDZIK

DATED: 7 October 2016



Slater and Gordon Lawyers

Solicitors for the Plaintiff