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

SCI 2014 06770

BETWEEN

MAJID KARAMI KAMASAEE

Plaintiff

– and –

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

Defendants

REPLY TO THE AMENDED DEFENCE OF THE THIRD 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		
Prepared by:	Slater and Gordon	Lawyer code:	339
	Lawyers	DX:	229
	485 La Trobe Street	Tel:	(03) 9602 6888
	MELBOURNE VIC 3000	Ref:	M342568
Email:	andrew.baker@slatergordon.com.au		

In reply to the Amended Defence of the Third Defendant to the Third Amended Statement of Claim dated 21 September 2016 (**Transfield Defence**), the Plaintiff says:

1. Save as to the admissions contained in the Transfield Defence and where otherwise pleaded in this Reply, the Plaintiff joins issue with each and every allegation in the Transfield Defence.

2. As to paragraph 185O(b)(3):

   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 Plaintiff relies on the decision of *Namah v Pato* [2016] SC1497.

D CURTAIN

G COSTELLO

F FORSYTH

M SZYDZIK

DATED: 7 October 2016

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Slater and Gordon Lawyers

Solicitors for the Plaintiff