



To: Defendants' Legal Counsel  
Address: [kiera@theripple.au](mailto:kiera@theripple.au)

5th May 2025

### Foreign Law Notice

On 7th April 2025 the plaintiff, Mr Anton Tutoveanu, initiated proceedings by Summons in the Supreme Court of NSW's Equity Division, Duty List regarding a political party pre-selection dispute.

On 10th April 2025 a judgment was entered and published concerning foreign citizenship law (see *Tutoveanu v Velez* [2025] NSWSC 359 at [52]-[60]).

*Uniform Civil Procedure Rules 2005* (NSW) Part 6, Division 9 regulates parties contesting issues arising under foreign law:

#### 6.42 Definitions

In this Division—

**foreign court** means a court of a country other than Australia.

**foreign law** means the law of a country other than Australia.

#### 6.43 Filing of notices

- (1) A party who contends that an issue in proceedings in the Supreme Court is governed by foreign law must file and serve on the other parties affected by the issue a notice (a foreign law notice) setting out the relevant principles of foreign law and their application to the issue.
- (2) The foreign law notice must be filed and served by the party contending that an issue is governed by foreign law not more than 6 weeks after the filing by that party of a summons, statement of claim, statement of cross-claim or defence in respect of the proceedings.
- (3) A party on whom a foreign law notice is served who disputes the principles of foreign law or their application must file and serve on the other parties affected by the issue a notice setting out the matter or matters in dispute (a notice of dispute as to foreign law).
- (4) The notice of dispute as to foreign law must be filed and served not more than 8 weeks after the date of service of the foreign law notice.

The issue in these proceedings is whether the plaintiff is disqualified under s 44(i) of the *Commonwealth Constitution* thereby rendering him ineligible to be elected as a candidate in the 2025 Australian Parliament's House of Representatives.

This provision is subject to an implicit qualification which arises from a constitutional imperative that the applicant has taken all reasonable steps required by foreign law to renounce his birth acquired Romanian citizenship (see *Re Gallagher* [2018] HCA 17 at [10]-[11]).

The relevant foreign law includes *The Constitution of Romania* and *Act No. 21/1991 on Romanian Citizenship*.

## **The Constitution of Romania**

### **TITLE I**

#### **General principles**

#### **ARTICLE 1**

Romanian State

...

(5) In Romania, the observance of the Constitution, its supremacy and the laws shall be mandatory.

...

#### **ARTICLE 5**

Citizenship

(1) Romanian citizenship can be acquired, retained or lost as provided by the organic law.

(2) Romanian citizenship cannot be withdrawn if acquired by birth.

...

#### **Principle**

*The Constitution of Romania* precedes any of its organic laws.

#### **Application**

*Commonwealth of Australia Constitution Act* requires:

#### **44. Disqualification.**

Any person who—

(i.) Is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power: ...

...

shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

Since the Romanian law will not permit retraction of any birth acquired citizenship, the foreign-born plaintiff cannot remedy the condition imposed by s 44(i) of the *Commonwealth Constitution*. He is still "entitled to the rights or privileges of a subject or a citizen of a foreign power". The statutory declaration made on 5th December 2024 and 8th April 2025 are sufficient reasonable steps of renouncement amongst long-time material facts. The constitutional imperative is engaged and the plaintiff is eligible to be elected in Australian Parliament.



Anton Tutoveanu  
5th May 2025

Any endorsement by an unregistered entity known as "Underground Law Firm" is purely for fictitious enactment of the *Legal Profession Uniform Law* (NSW) of 2014.