

C.A. N^o C52843

COURT OF APPEAL FOR ONTARIO

BETWEEN :

J. BIGBUCKS

(Respondent)

- and -

CANADA (ATTORNEY GENERAL)

(Appellant)

APPELLANT'S / RESPONDENT'S FACTUM

NAME OF LAW FIRM
Address of law firm

(Names of counsel)
Of Counsel for the Appellant / Respondent

Telephone:
Fax:
Email:

**PART I:
STATEMENT OF THE CASE**

1. This case is about the [*insert a short summary of the main issue raised by this appeal*].

**PART II:
AGREED SUMMARY OF THE FACTS**

2. The Applicant/Appellant and the Respondent have provided an agreed statement of facts, reproduced here.

3. Mr. Bigbucks is a resident of Ontario and the owner and publisher of Taxpayers' Viewpoint Magazine. This magazine advocates a variety of changes to the present social structure of Canada, including the abolition of welfare for individuals, the abolition of medicare, the end of subsidies for education at all levels of schooling, the end of progressive taxation, an increase in military spending and the reinstatement of capital punishment. It also advocates numerous subsidies for corporations. Mr. Bigbucks himself is not a member of any political party, but does contribute money to the Extremely Conservative Party of Canada and is a frequent attendee at that party's political conventions. He has not been known to contribute to the Moderately Conservative Party, the National Liberal Party or the Social Democratic Party. He is also known to be a man of great wealth and has stated that he is prepared to use his riches to bring about the type of Canada that he believes should exist.

4. The legislation being challenged by Mr. Bigbucks is set out in summary form below:

- a) no person shall contribute more than \$3,000 to a political party within one calendar year;
- b) during an election period, defined as the time between the dissolution of Parliament to midnight on the day of a general election, no person shall spend more than \$5,000 to support, directly or indirectly, a viewpoint espoused by one political party with the intention of promoting the chances of election of a candidate of that political party; and
- c) during the same period, no person shall spend more than \$5,000 to attack or denigrate, directly or indirectly, a viewpoint espoused by a political party with the intention of lessening the chances of election of a candidate of that political party.

In other words, these contribution and spending limits allow limited contributions to registered political parties and during election periods allow limited spending to promote or attack candidates' positions.

5. Mr. Bigbucks alleges that this legislation infringes his rights under the *Charter of Rights and Freedoms* in several ways:

- a) it interferes with his freedom of expression under S. 2(b);
- b) it violates his freedom of association under S. 2 (d);
- c) it violates his right to liberty under S. 7; and
- d) none of these limits upon his rights are justifiable.

6. The trial judge decided that the legislation violated the applicant's *Charter* rights and that the violation could not be justified under s. 1 of the *Charter*. As the trial judge stated,

[you may choose to quote from the reasons for judgment. All quotes should be indented and single spaced, like this paragraph. All quotes must be referenced immediately after the paragraph, noting the page **or** paragraph number of the quote.]

Reasons for Judgment, para #.

DECISION OF THE SUPERIOR COURT

7. [You can summarize the decision of the trial judge, Justice MacDonald, to emphasize the points that are important to your firm's argument. .]

It is often helpful to quote directly from the trial judge's decision. This must be referenced by paragraph number so that the appellate judge can find the quote in the complete decision.

Reasons for Judgment, , para #.

PART III

GROUND OF APPEAL

A. ISSUE ONE: FREEDOM OF EXPRESSION UNDER S. 2(B)

8. [Insert your firm's argument on this issue. Refer to the explanatory notes for information on how to refer to cases and how to structure your argument.]

B ISSUE TWO: FREEDOM OF ASSOCIATION UNDER S. 2(D)

9. [insert your firm's argument regarding this issue here.].

C ISSUE THREE - RIGHT TO LIBERTY UNDER S. 7

10. [insert argument regarding this issue here.]

D ISSUE FOUR –JUSTIFIABLE LIMITS IN A FREE AND DEMOCRATIC SOCIETY (S. 1)

11. [insert argument regarding this issue here.]

APPLICATION TO THIS CASE

12. [insert a concluding statement, summarizing how the preceding arguments support the order you have requested.]

**PART IV
ADDITIONAL ISSUES**

13. The Respondent / Appellate raises no additional issues.

**PART V
ORDER REQUESTED**

14. It is respectfully requested that

ALL OF WHICH is respectfully submitted by

Name of all four counsel
Of Counsel for the Respondent

DATED AT (LOCATION) this ____th Day of (month), (year)

APPENDIX A

AUTHORITIES TO BE CITED

List all cases or statutes that you have referred to, in this format:

R. v. Willis, (1987) 37 C.C.C. (3d) 184 (B.C. Co. Ct.).

R. v. Cloutier (1991), 66 C.C.C. (3d) 149 (Que. C.A.).