

Media Factsheet

Single Mothers' Alliance v. BC

April 27, 2017

Key statistics

- In 2015/16, the Legal Services Society (LSS) spent approximately \$14.6 million (18% of its annual budget) on family law services. The majority of clients receiving family law services through LSS are women. By comparison, LSS spent approximately \$41.6 million on criminal law services (52% of its annual budget). The majority of clients receiving criminal law services through LSS are men. In the result, only 30.6% of those who receive legal aid in BC are women.
- BC has the third lowest per capita spending on legal aid in any province. The only province with a worse gender equity record in legal aid is Saskatchewan.
- LSS' 2015/16 yearly revenue was \$79.8 million, which is less than 0.2% of the provincial budget.
- Only 2 out of 5 people who apply to LSS for representation by a lawyer in family law cases receive representation.
- According to a 2016 opinion poll conducted by LSS, 93% of British Columbians feel that offering legal aid to people with low incomes is important to ensuring fairness in family court.

Constitutional law:

- **Charter of Rights and Freedoms, Section 15(1):**
Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.
- **Charter of Rights and Freedoms, Section 7:**
Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.
- **Constitution Act, 1867:** Section 92(14) grants the provincial government jurisdiction over the administration of justice. Section 96 grants the federal government jurisdiction over the appointment of judges to superior courts, including the British Columbia Supreme Court and the British Columbia Court of Appeal. Section 96 has been interpreted by the Supreme Court of Canada as preventing the provinces from implementing any measures that are at odds with the basic judicial function of resolving disputes between individuals and deciding questions of private and public law.

Legal aid scheme under challenge:

- [Legal Services Society Act, S.B.C. 2002, c. 30](#)
- [Memorandum of Understanding between the Queen in Right of the Province of British Columbia and the Legal Services Society](#), dated April 1, 2014
- Legal Services Society [financial guidelines](#) for qualifying for legal representation