



Court File No. VLC-S-S-252688
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF A STATUTORY APPEAL

Pursuant to section 40 of the
Health Professions Act, RSBC 1996, c 183

BETWEEN:

AMY HAMM

PETITIONER

AND:

BRITISH COLUMBIA COLLEGE OF NURSES AND MIDWIVES

RESPONDENT

APPLICATION RESPONSE

Application Response of: Amy Hamm (the “Application Respondent” and “Petitioner”)

THIS IS A RESPONSE TO the Notice of Application of the prospective intervenor, Egale Canada, filed June 23, 2026;

The Application Respondent estimates the application will take two days, scheduled to be heard on July 29 and 30, 2026.

Part 1: ORDERS CONSENTED TO

The Application Respondent consents to the granting of the order set out in paragraphs 4 of Part 1 of the Notice of Application.

Part 2: ORDERS OPPOSED

The Application Respondent opposes the granting of the order set out in paragraph 1 of Part 1 of the Notice of Application.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The Application Respondent takes no position on the granting of the orders set out in paragraphs 2 and 3 of Part 1 of the Notice of Application.

Part 4: FACTUAL BASIS

1. The Petitioner/Application Respondent will rely on the facts set out in the application and supporting affidavit of the various proposed intervenors whose participation she opposes.

Part 5: LEGAL BASIS

Threshold Test for Intervenors

2. The issue for these applications is whether the proposed intervenors have met the threshold considerations for participation and demonstrated that they will be of assistance to this Court with submissions that are neither duplicative of the parties or other intervenors, nor that expand the scope beyond the grounds of appeal.
3. The threshold considerations that apply to applications to intervene are:
 - a. The nature of the group seeking intervenor status;
 - b. The directness of the group's interest in the matter; and
 - c. The suitability of the issues in the appeal to an intervention. (See *O'Neill v British Columbia (Minister of Health)*, 2025 BCSC 601 at paras 9-10.)
4. The Petitioner/Application Respondent concedes that this appeal raises issues that are suitable for interventions, as a general proposition.
5. The decision to grant intervenor status is discretionary, and the Court must also be convinced that the interventions will be of assistance to it (*Equustek Solutions Inc. v. Google Inc.*, 2014 BCCA 448 at para 11).
6. A prospective intervenor must show either that it has a direct interest in the outcome of a proceeding, or that it represents a public interest in a public law issue (*O'Neill* at para 11).
7. None of the prospective intervenors in the case at bar has a direct interest in the outcome of this appeal.
8. Where the applicant does not have a direct interest in the litigation, the Court must consider:
 - a. Whether the proposed intervenor has a broad representative base;
 - b. Whether the case has a dimension that legitimately engages the interests of the prospective intervenor;
 - c. Whether the applicant has a unique and different perspective that might be of assistance to the court;
 - d. Whether the proposed intervenor is likely to focus on issues outside the scope of the issues raised by the parties in the main appeal (*O'Neill* at para 13.)

9. An intervenor's role is to make principled submissions on pertinent points of law, not to support the position of a party (*Araya v. Nevsun Resources Ltd.*, 2017 BCCA 402 at para 12).
10. An intervenor must do more than demonstrate that the Court's decision will have broad ramifications, or that simply seek to underline the social importance of the issues on appeal (*Equustek* at para 13).
11. Finally, a proposed intervenor's involvement in the appeal should not duplicate the arguments made by the parties or other intervenors; nor should it expand the issues raised by the parties in the main proceeding (*Araya* at para 13).

Egale Canada

12. It is conceded that Egale Canada has legitimacy as a longtime intervenor and that it represents some segments of the LGBT community (but not all).
13. As a prolific intervenor since shortly after the advent of the *Charter of Rights and Freedoms*, it has had an outsized impact on the development of the law; it is conceded that it has an interest in maintaining the positions that it has successfully advanced.
14. However, the Petitioner/Application Respondent opposes the application of Egale Canada for the following primary reasons:
 - a. Its submissions do not advance a different or useful perspective that is not already fully addressed and adopted in the Decision under appeal, or in the case it cites at length (*Hansman v. Neufeld*, 2023 SCC 14), in which it played a significant role;
 - b. Its submissions focus on the "historic and current marginalization of the 2SGLBTQI community, the barriers faced by these communities in accessing healthcare, and how public discriminatory comments by regulated health professionals impact the community..." This precisely mirrors the submissions of the BCCNM and the evidence of the BCCNM's experts before the Disciplinary Panel, which was described at length and accepted in the Decision;
 - c. Egale Canada therefore offers nothing new to the discussion that will assist the court in the resolution of the issues – it is essentially duplicative and serves only to support and bolster the BCCNM's position.
 - d. Further, its submissions propose to expand the scope of the proceedings to include s. 7 of the *Charter*, which was not raised by the parties or discussed in the Decision.

Part 6: MATERIALS TO BE RELIED ON

1. The Application and supporting Affidavit No. 1 of Helen Kennedy, dated June 23, 2026;
2. The Amended Petition and Reply to Petition of the parties;
3. The Panel's Decision on Verdict;
4. Such further and other material as counsel may advise and this Honourable Court may permit.

☒ The Application Respondent has filed in this proceeding a document that contains the Application Respondent's address for service.

Date: July 10, 2026
Refiled: July 13, 2026



Lisa D.S. Bilty
Counsel for the Petitioner/Application Respondent

Address for Service:
Libertas Law