



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, West Coast LEAF, filed June 26, 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 orders set out in paragraphs 1-4 of Part 1 of the Notice of Application, with respect to Submissions 2 and 3 only.

Part 2: ORDERS OPPOSED

The Application Respondent opposes the granting of the orders set out in paragraphs 1-4 of Part 1 of the Notice of Application, with respect to Submission 1 only.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The Application Respondent takes no position on the granting of the order set out in paragraph 5 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).

West Coast Legal Education and Action Fund Association ("West Coast LEAF")

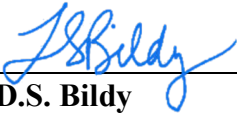
12. The Petitioner/Application Respondent does not oppose the application of West Coast LEAF to act as intervenor in this appeal, although she asserts that its submissions should be limited to the question of "the way in which courts should approach allegations of a clash of rights between communities protected by ss. 15 and/or 28 of the *Charter*" (West Coast LEAF's Notice of Application, para. 23). This is also described as "Submission 2" at paragraph 29.
13. If necessary, West Coast LEAF is also positioned to engage on section 28 of the *Charter* as outlined in its proposed Submission 3.
14. With respect to Submission 1, the Petitioner/Application Respondent states that this submission is outside the scope of the specific grounds raised on appeal and/or is duplicative of the position of the BCCNM.
15. Applying the threshold test and criteria listed above to "Submission 2" of West Coast LEAF's application, the Petitioner concedes that:
 - a. West Coast LEAF has demonstrated that it has a public interest in a public law issue, namely the interpretation of ss. 15 and 28 of the *Charter*;
 - b. The appeal legitimately engages the interest of West Coast LEAF on the question of the interpretation and application of ss. 15 and 28 of the *Charter*;
 - c. West Coast LEAF has a unique perspective that is not expressly covered by the parties, not duplicative of other intervenors, and is likely to be of assistance to the court;
 - d. West Coast LEAF's proposed argument does not expand the scope of the issues raised by the parties in the main appeal.

Part 6: MATERIALS TO BE RELIED ON

1. The Application and supporting Affidavit No. 1 of Mélanie Power, dated June 25, 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