



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] Chapter 183

BETWEEN:

AMY HAMM

PETITIONER

AND

BRITISH COLUMBIA COLLEGE OF NURSES AND MIDWIVES

RESPONDENT

NOTICE OF APPLICATION

Name of applicant: Association for Reformed Political Action (ARPA) Canada (“ARPA Canada”) (the “Applicant”)

To: The Petitioner, Amy Hamm

And to: The Respondent, the British Columbia College of Nurses and Midwives

TAKE NOTICE that an application will be made by the applicant to the presiding Judge at the Vancouver Courthouse at 800 Smithe Street, Vancouver, British Columbia V6Z 2E1 on July 29 at 10:00 AM for the orders set out in Part 1 below.

The applicant estimates that the application will take 20 minutes.

Part 1: ORDERS SOUGHT

The Applicant, APRA Canada, seeks:

1. An order granting the Applicant leave to intervene in this proceeding;
2. That the style of cause be amended accordingly;

3. That the parties provide the Applicant with electronic copies of all pleadings, evidence, and other documents exchanged, or to be exchanged between them;
4. An order that the Applicant may:
 - a. File written submissions in respect of the petition of no more than 15 pages, or such limit as directed by the Court;
 - b. Present oral argument the hearing of the Petition of no more than 20 minutes, or as directed by the Court;
5. An order setting a schedule for the filing of written submissions;
6. An order that no costs will be ordered in favour of or against the Applicant; and
7. Such further and other relief as this Honourable Court may deem just.

Part 2: FACTUAL BASIS

1. The Petitioner, Amy Hamm, is a registered nurse. On March 13, 2025, the Panel of the Discipline Committee (the “Panel”) of the British Columbia College of Nurses and Midwives (the “College”) was convened under s. 38 of the *Health Professions Act*, RSBC 1996, c 183 to conduct a hearing in connection with a citation issued to Ms. Hamm in 2022.
2. The Citation alleged that between July 2018 and March 2021, the Petitioner made discriminatory and derogatory statements regarding transgender people, while identifying herself as a nurse or nurse educator. Some of the statements the Panel deemed discriminatory included a comment suggesting that human rights protections ought to be based on sex and not gender and a statement denying the possibility that a biological male can transition to the female sex.
3. This appeal raises questions of great public importance, including questions about the scope of freedom of thought, belief, opinion, and expression particularly as it relates to philosophical and political speech.
4. ARPA submits that it would be an appropriate intervener in the underlying appeal and highlights the following supporting factors:
 - a. ARPA is a national, non-profit Christian advocacy organization that represents members of various Reformed Christian church denominations in Canada, 19 local

ARPA chapters, and 15 ARPA school clubs across Canada. ARPA serves as a primary vehicle through which members of this community engage with public policy issues.

- b. ARPA offers a unique perspective rooted in the Reformed Christian tradition.
 - c. ARPA has a genuine interest in the outcome of this appeal arising from its advocacy for the equal right of Christians to pursue professional vocations and participate in public discourse without fear of sanction. Furthermore, ARPA is genuinely concerned that the Panel’s ruling may have a chilling effect on members of its constituency—including nurses—who express Christian views on matters of sex and gender.
 - d. ARPA is a highly experienced intervener. ARPA has been granted leave to intervene in numerous cases at all levels of court, including appellate courts and the Supreme Court of Canada. ARPA has consistently provided courts with useful submissions on issues implicating freedom of thought, belief, opinion, and expression.
5. If granted leave to intervene, ARPA intends to make the following submissions:
- a. Gender-critical speech is valuable expression that criticizes gender identity theory.
 - b. Gender-critical speech, at its core, does not promote discrimination or hatred and is compatible with the view that legal protections ought to be provided for people who are transgender-identifying.
 - c. Gender-critical speech is important philosophical and political expression that supports the underlying purposes of freedom of expression.
 - d. Because gender-critical speech involves philosophical concepts and ideas that fall outside the competence of administrative decision-makers, administrative decision-makers ought to avoid becoming arbiters of truth in such philosophical debates.

Part 3: LEGAL BASIS

6. Applications to intervene are guided by this Court’s inherent jurisdiction. Applicants must demonstrate either a direct interest – which is not asserted here – or a public interest in a public law issue: (*O’Neill v British Columbia (Minister of Health)*, 2025 BCSC 601, paras 8-11).

7. The criteria that apply to public interest interveners are as follows:

- a. Does the proposed intervenor have a broad representative base?
- b. Does the case legitimately engage the proposed intervenor's interests in the public law issue raised?
- c. Does the proposed intervenor have a unique perspective that will assist the Court in the resolution of the issues?
- d. Does the proposed intervenor seek to expand the scope of the matter by raising issues not raised by the parties? (*O'Neill v British Columbia (Minister of Health)*, 2025 BCSC 601, para 13).

8. As explained below, ARPA submits that it satisfies the foregoing criteria.

ARPA Canada's Mission, Representativeness, Unique Perspective, Interest, and Expertise

ARPA's Mission

9. The applicant, ARPA, is a non-profit and non-partisan Christian political advocacy organization. ARPA's mission is: (a) to educate, equip, and assist Reformed Christians in engaging faithfully and effectively in public life; and (b) to present a Reformed Christian perspective on legal and public policy issues to Canadian civil authorities, including courts: (Affidavit of Colin Postma, para 8).

ARPA's Representativeness

10. ARPA is closely affiliated with a network of approximately 180 Reformed Christian churches across Canada (from various Reformed denominations). ARPA also coordinates a network of 19 local ARPA chapters and 15 ARPA school clubs. ARPA is a primary vehicle through which many Reformed Christians learn about Canadian legal and political developments and participate in public affairs: (Affidavit of Colin Postma, paras 14-16).

11. ARPA directs its mission primarily to the following Reformed church denominations: Canadian Reformed Churches, United Reformed Churches, Free Reformed Churches, Heritage Reformed Churches, Presbyterian Church in America, Orthodox Presbyterian Church, Reformed Presbyterian Church, and Associate Reformed Presbyterian Church. These denominations are members of North American Presbyterian and Reformed Council (NAPARC), an informal

partnership of North American denominations committed to the Bible as the Word of God and to the historic Reformed theological confessions: (Affidavit of Colin Postma, para 9).

ARPA's Unique Perspective

12. ARPA advocates for the robust protection of freedom of expression and freedom of religion, particularly as these rights impact the freedom of Christians to participate in public life without being required to renounce or stay silent about their religious beliefs: (Affidavit of Colin Postma, para 35).

13. The issues raised in this appeal—including the scope of professional regulation of thought, belief, opinion and expression, and the degree to which freedom of expression is protected—are issues of great importance to ARPA and the community it serves: (Affidavit of Colin Postma, para 35).

14. ARPA's perspective is rooted in the Reformed Christian tradition, which affirms that all people, including people who identify as transgender, are made in the image of God and are entitled to dignity and respect. At the same time, Reformed Christian doctrine maintains that one's biological sex is decisive in identifying whether a person is a man or a woman: (Affidavit of Colin Postma, para 27).

15. ARPA affirms the historic Reformed doctrinal confessions, including the Heidelberg Catechism (1563), Belgic Confession (1550), Canons of Dort (1619), Westminster Confession of Faith (1647), and the Westminster Larger and Shorter Catechisms (1647). On matters of sex and gender, ARPA affirms the *Report of the Ad Interim Committee on Human Sexuality* (2020) ("PCA Report") of the Presbyterian Church in America and *The New Reformation Catechism on Human Sexuality* ("Catechism") as faithful articulations of the Reformed Christian understanding of sex and gender. These documents emphasize both compassion and truth in responding to contemporary questions about sex and gender: (Affidavit of Colin Postma, paras 10; 28-30).

16. The PCA Report explains that, "all people by virtue of their creation are image bearers [of God] regardless of how they conceive of their sexual identity," and that "all people, including those in what contemporary society identifies as the LGBT community, are worthy of dignity and respect as image bearers and should never be the target of self-righteous condescension, violence, or hatred": (Affidavit of Colin Postma, PCA Report, **Exhibit A**, at p. 27).

17. The PCA Report teaches that gender dysphoria requires a compassionate response (p. 6). The PCA Report and the Catechism also teach that accepting one's biological sex – and corresponding identity as male or female – as a gift from God is healthy and good: (Affidavit of Colin Postma, PCA Report, **Exhibit A**, Statement 2, at p. 6; Catechism, **Exhibit B**, at QA3-QA8).

18. Reformed Christians do not view these positions regarding sex and gender to be merely private, personal, or subjective claims, but as objective, public truths about human nature and what promotes human flourishing. Reformed Christians consider these truths to be evident in the Bible and historic Christian teaching, but also evident through reason and the scientific study of nature: (Affidavit of Colin Postma, Catechism, **Exhibit B**, at QA7).

ARPA's Interest

19. ARPA's interest in this proceeding stems from its commitment to defending the equal right of Christians to pursue professional vocations and participate in public discourse without fear of professional sanction. ARPA is concerned that the decision will force medical professionals with traditional Christian views on sex and gender to self-censor out of fear of being disciplined: (Affidavit of Colin Postma, para 4; paras 36).

20. ARPA also has a demonstrated interest in and commitment to advocating for the truth about sex and gender, which is essential for sound public policy and human flourishing: (Affidavit of Colin Postma, paras 24-26; paras 35-36).

ARPA's Expertise

21. ARPA is an experienced and knowledgeable intervener. ARPA has participated as an intervener at various levels of court, including the Supreme Court of Canada, in matters involving freedom of expression, freedom of conscience, gender identity, and human rights. Its submissions have consistently emphasized the importance of protecting freedom of expression as the foundation for a free and democratic society: (Affidavit of Colin Postma, paras 21-23).

22. This Court and the British Columbia Court of Appeal found that ARPA met the test for public interest interventions in nine *Charter* cases. ARPA has also been granted leave to intervene as a friend of the court in sixteen other cases: (Affidavit of Colin Postma, para 22).

23. ARPA intervened in one case touching on gender identity. *A.B. v. C.D.*, 2020 BCCA 11 involved a court order barring a father from discussing his daughter's gender transition with her. In that case, ARPA argued that singling out the father's thoughts, beliefs, and opinions infringed his s. 2(b) rights and the child's right to parental guidance (Affidavit of Colin Postma, para 24).

24. ARPA has made multiple submissions to government bodies related to gender identity or freedom of expression and has written multiple policy reports for external publications: (Affidavit of Colin Postma, paras 25-26).

Proposed Arguments:

25. If granted leave to intervene, ARPA will advance the following submissions:

Gender-critical speech is valuable counter-speech

26. Gender-critical speech should be understood as valuable counter-speech because it engages in and contributes to an important public debate.

27. Gender-critical speech is a legitimate critique of gender-identity theory. This theory is prevalent in academia and government. Gender identity theory posits that a person's internal sense of self—their gender identity—is distinct from, and may not align with, their sex at birth. It further posits that this internal identity, rather than biological sex, should be treated as the primary or determinative factor in social and legal contexts. This includes matters such as access to single-sex spaces and the recognition of sex- and gender-specific rights and protections.

28. People with gender-critical views have substantial and reasonable grounds for contesting the claim that whether someone is a woman or man is a matter of self-identification, one major reason being that it may render sex-based protections in law meaningless.

29. Because gender-critical speech offers sincere and coherent reasons, it should be properly characterized as valuable counter-speech.

Gender-critical speech is philosophical and political speech that goes to the core of freedom of expression

30. Gender-critical speech is inherently philosophical because it engages with foundational questions about truth, human nature, and personal identity. The court should be aware of

contemporary academic philosophical debates regarding the concept of gender identity. Expression that grapples with such philosophical questions goes to the important truth-seeking function of freedom of expression.

31. Gender-critical speech contributes to the process of truth-seeking by exploring the potential inconsistencies, ambiguities, and consequences of gender identity theory. Such expression also promotes self-fulfillment by allowing individuals to articulate and identify with deeply-held philosophical convictions regarding human identity.

32. Gender-critical speech may also have important political and public policy implications. For example, if sex-based distinctions in law are effectively defined by gender identity, it may threaten sex-based legal protections (e.g. to female-only spaces).

33. Gender-critical speech informs debates on education policy (e.g., whether and how concepts like sex and gender identity are taught), athletics (e.g., eligibility criteria), institutional policies (e.g., shelters and correctional facilities), health care (e.g., access to treatments), and human rights law (e.g., the relationship between sex and gender as protected grounds).

34. Since gender-critical speech is philosophical, political, and personal speech, it goes to the heart of freedom of expression.

Gender-critical speech does not promote hatred or discrimination

35. Gender-critical speech does not, at its core, advocate for harm, hatred, discrimination, or the denial of civil liberties of people who identify as transgender. This is because the central aim of such speech is to properly define personal and legal categories, not to exclude transgender-identifying individuals from civil participation or legal protections.

36. The distinction between ‘classification’ and ‘treatment’ is critical: one can argue about how categories are drawn without advocating unequal or unfair treatment under the law, as the United Kingdom Supreme Court ruling in *For Women Scotland* demonstrates.

37. Presuming that disagreement with gender-identity theory reflects hostility towards people who identify as transgender creates a chilling effect on lawful expression. In a pluralistic and democratic society, individuals must be free to advance officially disfavoured viewpoints in public discourse without being deprived of their livelihood or otherwise penalized.

38. Moreover, gender-critical speech is perfectly compatible with supporting legal protections for transgender individuals. One can consistently hold that transgender persons are entitled to safety, dignity, and freedom from discrimination while also maintaining that sex remains a distinct and relevant category for certain legal purposes.

Administrative decision-makers must not purport to resolve contested philosophical questions that fall outside their competence

39. Administrative decision-makers must exercise caution not to purport to resolve philosophical questions that fall outside their competence.

40. Section 16 of the *Health Professions Act* requires the College to regulate the profession of nursing in order to protect the public. Thus, attempting to resolve significant and disputed philosophical questions—such as whether gender can diverge from biological sex or whether human rights protections ought to rest on sex rather than gender identity—falls outside the College’s mandate.

Conclusion on Leave, and proposed Terms of Intervention

41. For the foregoing reasons, the Applicant submits that the Court should grant leave to ARPA to intervene in this proceeding on the terms set out in Part 1 above.

Part 4: MATERIAL TO BE RELIED ON

42. Affidavit of Colin Postma, sworn on June 25, 2026.

43. Such further and other materials as counsel may advise and this Honourable Court may permit.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application,

(a) file an application response in Form 33,

(b) file the original of every affidavit, and of every other document, that

- (i) you intend to refer to at the hearing of this application, and
- (ii) has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
 - (i) a copy of the filed application response;
 - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Date: June 25, 2026



Joel Persaud and John Sikkema
Counsel for the Applicant

To be completed by the court only:

Order made

☐ in the terms requested in paragraphs _____ of Part 1 of this petition

☐ with the following variations and additional terms:

Date: _____

Signature of ☐ Judge ☐ Associate Judge

APPENDIX

THIS APPLICATION INVOLVES THE FOLLOWING:

☒ other: leave to intervene