



Background Information: Bill 23, The Public Interest Expression Defence Act

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What is Bill 23, The Public Interest Expression Defence Act?

Bill 23 introduces a new legal process to protect citizens speaking up about matters of public interest and discourage the use of litigation as a means of limiting discussion and debate (Bill 23, s 2). There are a spectrum of issues that make up “matters of public interest”, and a wide range of individuals and organizations that speak up about them. Bill 23 therefore has the potential to protect many Manitobans from frivolous lawsuits, including people facing the following situations:

- *A survivor who reports to their employer that their co-worker sexually assaulted them.*
- *An elected official publicly discussing and reporting conduct of concern to the police (e.g., threats of violence or other harm).*
- *A journalist or academic who writes an article about a public figure’s long history of corruption.*
- *An Indigenous water protector who protests the construction of a new natural resource development.*



In order to accomplish these objectives, the Bill creates a new legal pathway for the Manitoba Courts that allows judges to dismiss lawsuits when they have no legal merit and were started as a way to intimidate the person being sued from speaking publicly about their concerns.

This type of lawsuit is often referred to as a Strategic Lawsuit Against Public Participation (SLAPP suit). Anti-SLAPP legislation, like Bill 23, is part of a suite of legal tools that can be used to shield citizens and public interest organizations from frivolous lawsuits, retribution from employers, and other approaches used to intimidate advocates and survivors into silence.

Why Should You Care?

The adoption of Anti-SLAPP legislation like Bill 23 will help strengthen the ability of Manitobans to advocate on behalf of themselves and their communities without facing severe legal and financial consequences.

Anti-SLAPP laws help protect vulnerable citizens, such as survivors of gender-based violence, when they disclose or report the violence they have experienced.

Anti-SLAPP laws also protect those who study, report, and publish about matters of public interest from being intimidated or silenced by costly, time-consuming lawsuits.

Over the past five years, the Manitoba Eco-Network (MbEN) has been asking for this type of legislation as a means of preventing public interest advocates from facing SLAPP suits. A SLAPP suit is a legal proceeding (e.g. lawsuit for defamation) intended to discourage someone from making public statements about their concerns and is an approach that has been used across Canada, including Manitoba, to restrain the activities of public interest advocates and reporters.

The provincial governments in Ontario and British Columbia have both passed laws (i.e., Anti-SLAPP legislation) to protect advocates from these types of lawsuits. In Ontario, the *Protection of Public Participation Act, 2015*, which amended the *Courts of Justice Act*, the *Libel and Slander Act* and the *Statutory Powers Procedure Act* has created a process for the Ontario Courts to use when it is suspected that a legal proceeding is a SLAPP suit. Similarly, British Columbia adopted the *Protection of Public Participation Act* in 2019 (modelled on Ontario's law) to allow a similar court procedure and option for dismissal when a SLAPP suit is initiated. Manitoba does not currently have any legal protections for members of the public facing SLAPP suits, which is why Bill 23 has been introduced in the Manitoba Legislature.

What is the Current Status of the Bill?

On March 6, 2025, Bill 23, [*The Public Interest Expression Defence Act*](#), was introduced by the Minister of Justice in the Manitoba Legislature. The Bill did not progress past a first reading before the Legislature rose for the summer. This is because the Official Opposition selected Bill 23 as one of the Bills to pause and hold over consideration until the Session resumed in Fall 2025 on October 1, 2025.

On October 2, 2025, Bill 23 was read for a second time, debated, and sent to Committee for review. **The Committee Meeting will be held on Wednesday October 8, 2025 @ 6:00pm.** The current Legislative session will adjourn in early November 2025. The Government will very likely seek to pass the Bill before the end of the current Legislative Session in November.

Why Does the Manitoba Eco-Network Support Bill 23?



This Bill is supported by the Manitoba Eco-Network (MbEN) because of our history advocating specifically for this type of legislation as a means of preventing advocates from facing Strategic Lawsuits Against Public Participation (SLAPP suits).

Overall, this is a great Bill. It aligns with recommendations we have made in past policy advocacy publications and project reports in support of the adoption of Anti-SLAPP legislation. This includes the Final Report of the [Healthy Environment, Healthy Neighbourhood \(HEHN\) Project \(2023\)](#); [Environmental rights](#) advocacy (2022-present) at the provincial and federal level (e.g., Implementation Framework under CEPA); and the [State of Environmental Governance](#) Report (2024).

Interview participants and Advisory committee members from our HEHN Project discussed a general fear of legal repercussions for undertaking public advocacy activities. Some of our community participants had directly experienced or had knowledge of others who faced threats of legal action from industrial corporations they had targeted in their advocacy campaigns as a source of their environmental and health concerns.

For example, we heard of citizens who received cease and desist letters for making a Facebook post about their environmental concerns. It is a common legal tactic for industrial representatives to threaten legal action against environmental advocates, such as a civil defamation lawsuit. Although many of these threats do not progress past a letter from the company's legal representative, many citizens will discontinue their advocacy activities when faced with a legal threat as the potential legal and financial burden is extremely overwhelming. (HEHN Report 2023, 142)

Bill 23 appears to be based on the legal model adopted in Ontario, which has been recognized as a best practice globally in a [survey](#) of Anti-SLAPP legislation worldwide, as well as the leading model in Canada. Overall, the Bill 23 is substantially the same as Ontario's version. MbEN is therefore generally supportive of the passage of *The Public Interest Expression Defence Act*.

The One Big Problem with Bill 23

There is an additional section that the Manitoba Government has added to Bill 23 that differs from other versions of Anti-SLAPP legislation, including the [Uniform Protection of Public Participation Act](#) adopted by the Uniform Law Conference of Canada (ULCC) in 2017.

In Bill 23, Section 4(1) puts a pause on legal proceedings once a motion to dismiss has been made under Section 3. **However, the Government of Manitoba has added Section 4(2), which creates an exception for injunction proceedings.** An injunction is a court order that requires a party to do, or stop taking, a specific action. Injunctions are granted when financial penalties alone won't stop and fix the problem, such as in situations where irreparable harm could occur.

Section 4(2) of Bill 23 will result in situations where, when a legal proceeding involves an injunction, the filing of a dismissal motion under s 3 will not pause the proceeding, even if the injunction ends up being meritless.

A dismissal motion will not pause an issued injunction or stop an injunction from being sought while another proceeding is paused under s 4(1) of the Act, leaving a pathway open to drain a defendant's resources that way, even in the face of a pending anti-SLAPP motion in another proceeding that arises out of the same situation.

In situations where community members are speaking out about public interest matters peaceful protest is an important tool to be used so public interest advocates can spread their message, connect with allies, and physically show up to show how many interested members of the public feel the same way.

Injunctions can be secured for a number of reasons, including those that could conflict with purposes of the Act, e.g., an injunction preventing someone from speaking up about a public interest issue, or physically showing up (like at a community event or public hearing) could be brought frivolously. So, there should be opportunity for a motion to be considered and the proceeding paused, even when injunctions are involved in the proceeding.

MbEN's Recommendation: remove section 4(2) from Bill 23.

If not, then, at the very least, there should be language added to Section 4 that give the court discretion to freeze an injunction as well – for example:

"4(2) Subsection (1) does not apply to any steps in a proceeding relating to an injunction, *unless a court orders otherwise after considering:*

- a) *the urgency and merits of the injunction proceeding; and*
- b) *the purposes of the dismissal motion."*

The best solution, though, is the deletion of Section 4(2).

What Can You Do to Support the Enactment of Bill 23?



Tell the Government of Manitoba that you support the passage of Bill 23, *The Public Interest Expression Defence Act* and **recommend the removal of section 4(2)**.

Register to Speak at a Standing Committee Hearing:

Speaking to Committee is one of the best ways to communicate your thoughts on Bill 23 to the elected officials in the Manitoba Legislature. At Standing Committee meetings, you will be given a ten-minute time slot in which to give a presentation. Presentations can be done in person, by phone, or over Zoom.

On October 2, 2025, Bill 23 was read for a second time, debated, and sent to Committee for review. **The Committee hearing for Bill 23 has been scheduled for Wednesday October 8, 2025.**

There is still time to register and speak up!

How to Register:

To register to present to a Bill at a Standing Committee Meeting, go to the Manitoba Legislative Assembly website and fill out the online registration form:

https://www.gov.mb.ca/legislature/committees/committee_registration.html

Once you have submitted the form successfully, you will receive an email confirming that your registration has been received.

Alternately, you may register by phoning the Office of the Clerk at 204-945-3636.

Once the Government House Leader has announced the meeting to consider the Bill you have registered for, Legislative Assembly staff will contact you by email to advise of the meeting's date, time and location. At this time, you will also be provided with further details on how to present.

Written Submissions:

You can also use the presenter registration form to make a written submission regarding a Bill. You will receive an email confirming that we have received your written submission once you have successfully completed the process.

For more information on speaking at a hearing and/or submitting written input, see the Manitoba Legislative Assembly Webpage about "[How to Make a Presentation](#)".

This briefing note was prepared by the Manitoba Eco-Network (October 2025).

The Manitoba Eco-Network is a non-profit registered charity which seeks to strengthen Manitoba's environmental community with the goal of protecting our environment for the benefit of current and future generations. The Eco-Network facilitates connections, engages in advocacy opportunities, and undertakes community-based research that promotes meaningful public participation in environmental governance processes.



For more information please see our website:

<https://mbeconetwork.org/>