

An Act to remove barriers to interprovincial trade
Trade Harmonization Act

Paul Saieambier for the Macdonald-Laurier Institute

PREAMBLE

Preamble

Whereas

The Province of _____ wishes to adopt national standards to reduce non-tariff barriers to trade;

The Government of Canada has established a Federal Regulatory Harmonization Agency that has identified or developed harmonized national standards for the provision of goods, services or capital, or the employment of workers, between provinces;

The Province of _____ wishes to apply certain of those standards to facilitate trade between other provinces in Canada;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of _____, enacts as follows:

INTERPRETATION

Definitions

1. The following definitions apply in this Act.

“enactment” means a statute, regulation or other statutory instrument of the Province.

“federal Agency” means the Federal Regulatory Harmonization Agency established by the *Canada Regulatory Harmonization Act*, S.C. 2026, ch. ___;

“Province” means the Province of _____.¹

APPLICATION

Binding on Crown

2. This Act is binding on the Crown.

HARMONIZATION POWERS

¹ This definition would not likely be needed in the end product, as the *Interpretation Act* of a province would likely provide this as a standard definition. It is included here to make the model law more transparent to readers who might not be aware of this fact.

Regulations

3. (1) The Lieutenant Governor in Council may, for the purpose of removing barriers to the interprovincial movement of goods and provision of services and to the movement of labour within Canada, make regulations to apply a harmonized standard established or adopted by the federal Agency for the provision of goods, services or capital, or the employment of workers, in the Province.

Priority over inconsistent legislation

(2) In the event of any inconsistency or conflict between a standard applied under subsection (1) and any other law of the Province, this standard prevails to the extent of the inconsistency or conflict.

GENERAL

Conflict with other laws

4. Except where expressly provided, in the event of any inconsistency or conflict between this Act and any other law of the Province, this Act prevails to the extent of the inconsistency or conflict.

Report by Minister

5. Within 3 years of the coming into force of this Act, the Minister of ___ shall provide a report to the legislature identifying any laws of the Province that conflict with, or are inconsistent with, standards applied under subsection (1), and recommend amendments to such laws to bring them into conformity with this Act.²

Coming into force

6. This Act comes into force on the day on which it receives royal assent.

² Adding a provision of this sort might spur the amendment of conflicting statutes, which would reduce the potential for litigation necessary to clarify the interaction of this Act with other provincial statutes.