

right of alienation in respect of a lot or part of a lot that is contiguous or deemed to be contiguous and each lot or part of a lot is alienated or subdivided in favour of a producer who owns a lot that is contiguous or deemed to be contiguous.

5. A municipality or the Minister of Transport may, without the authorization of the commission, subdivide or alienate to the owner of a lot that is contiguous or deemed to be contiguous any surplus right-of-way that was not initially acquired for public utility purposes.

6. For the purposes of section 32 of the Act, a declaration is required where a construction project complies with municipal by-laws and the permit pertains to the erection of a residence under sections 31, 31.1 and 40 of the Act, the erection in virtue of rights recognized in Chapter VII of the Act of a residence or other main building to be used for purposes other than agriculture, a change in the use made of an agricultural building or the enlargement of such building, where the change in use or the enlargement is for purposes other than agriculture.

Notwithstanding the foregoing, a declaration required under section 32 of the Act is not required in the case provided for in section 1.

7. For the purposes of section 32.1 of the Act, a declaration is required where alienation or subdivision has the effect of delimiting all or part of the area of recognized rights provided for in Chapter VII of the Act.

8. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1708

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Nursing assistants — Code of ethics — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des infirmières et infirmiers auxiliaires du Québec has adopted the Regulation to amend the Code of ethics of nursing assistants, the text of which appears below. In accordance with section 95.3 of the Professional Code, a draft of it was sent to every

member of the Order at least 30 days before its adoption by the Bureau of the Order.

This Regulation will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. Then, it will be submitted to the Government, with the recommendation of the Office, for approval with or without amendments upon the expiry of 45 days following this publication.

The main purpose of the Regulation is to prescribe provisions setting out conditions, obligations and prohibitions in respect of advertising by members of the Ordre des infirmières et infirmiers auxiliaires du Québec. The Regulation, therefore, will have a direct impact on nursing assistants, since they will have to obey certain rules in their advertising, to the advantage of their clients. Under section 87 of the Professional Code, such rules must be contained in the Code of ethics of nursing assistants.

Further information may be obtained by contacting Mrs. Dominique Aubertin, Director General and Secretary of the Ordre des infirmières et infirmiers auxiliaires du Québec, at the following address: 531, rue Sherbrooke Est, Montréal (Québec), H2L 1K2; telephone number: 1-800-283-9511 or (514) 282-9511, extension 238; fax number: (514) 282-0631.

Any person having comments to make on that Regulation is asked to send them, before the expiry of the above-mentioned 45-day period, to the Chairman of the Office des professions du Québec, complexe de la Place Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. Those comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order that has adopted the Regulation, that is, the Ordre des infirmières et infirmiers auxiliaires du Québec, as well as to interested persons, departments and bodies.

ROBERT DIAMANT,
*Chairman of the
Office des professions du Québec*

Regulation to amend the Code of ethics of nursing assistants

Professional Code
(R.S.Q., c. C-26, s. 87)

1. The Code of ethics of nursing assistants (R.R.Q., 1981, c. C-26, r. 111), amended by the regulation approved by Order in Council 550-84 dated 7 March 1984

and section 457 of Chapter 40 of the Statutes of 1994, is further amended by deleting the French word “professionnel” in paragraph *a* of section 1.01.

2. Section 1.02 is revoked.

3. Section 4.01.01 is amended

(1) by substituting “57, 58 and 59.1” for “57 and 58” in the part of that section preceding paragraph *a*;

(2) by substituting the words “any person who requested that an investigation be held about him” for the words “the plaintiff” in paragraph *j*; and

(3) by adding the following after paragraph *j*:

“(k) voluntarily leaving without sufficient reason a patient requiring supervision or refusing without sufficient reason to provide care and not making sure that competent relief will take over where the nursing assistant can reasonably ensure such relief;

(l) performing an act or behaving in a way that is contrary to what is generally admitted in the practice of the profession.”.

4. The following is substituted for section 4.02.02:

“**4.02.02** A member must reply as soon as possible to any correspondence from the syndic, assistant syndic or the corresponding syndic, an expert appointed by the syndic, the professional inspection committee or a member thereof, an inspector, investigator or expert of that committee.”.

5. Section 4.02.06 is revoked.

6. The following Divisions are inserted after section 4.03.01:

**“DIVISION V
CONDITIONS, OBLIGATIONS AND
RESTRICTIONS RESPECTING ADVERTISING**

5.01.01 A member must by not means engage in or allow the use of advertising that is false, misleading or incomplete as to the professional services he provides or will be required to provide.

5.01.02 A member may not claim to possess specific qualities or skills in his advertising, unless he can substantiate such claim.

5.01.03 A member may not in his advertising compare the quality of his services to the services rendered

or that can be rendered by other members, nor may he discredit or denigrate the services rendered or that can be rendered by other members.

5.01.04 A member, in his advertising, may not use or allow the use of an expression of support or gratitude he has received.

The first paragraph does not preclude a member from mentioning in his advertising an award for excellence or other prizes in recognition of a special contribution or achievement.

5.01.05 A member may not, in any way whatsoever, engage in or allow to use of advertising likely to unduly influence persons who can be physically or emotionally vulnerable by reason of their age, health condition or the occurrence of a specific event.

5.01.06 A member must avoid all advertising likely to depreciate the image of the profession or to give it a greedy or commercial character.

5.01.07 A member may not advertise miraculous cures or care whose scientific value or effectiveness is not recognized.

5.01.08 A member who advertises costs or fees must:

(1) establish fixed amounts;

(2) specify the services included in those amounts;

(3) indicate whether disbursements are included in the amounts;

(4) indicate whether additional services are required and if they are included in the amounts.

All fixed amounts must remain in force for at least 30 days after the date on which the advertisement was last broadcast or published.

5.01.09 Every advertisement by a member must be such as to properly inform a person without special knowledge of the field covered by the advertisement.

5.01.10 A member must keep a complete copy, in printed or electronic form, of any advertisement made for at least 5 years following the date it was last broadcast or published. That copy must be given to the syndic of the Order upon request.

5.01.11 A member practising in a partnership is jointly and severally responsible with the other members for compliance with the rules respecting advertising, unless

an advertisement clearly indicates the name of the member or members responsible for it or if the member demonstrates that the advertisement was done without his knowing or consent or despite the measures taken to ensure compliance.

DIVISION VI **USE OF GRAPHIC SYMBOL OF THE ORDER**

6.01.01 A member who reproduces the graphic symbol of the Order for advertising purposes must make sure that it complies in every respect with the original held by the secretary of the Order.

6.01.02 A member who uses the graphic symbol of the Order for advertising purposes other than business cards must include the following warning in the advertisement:

“This advertisement does not originate from the Ordre des infirmières et infirmiers auxiliaires du Québec and it commits the liability of its author only.”

A member who uses the graphic symbol of the Order for advertising purposes, including business cards, may neither juxtapose the name of the Order with the symbol nor use its name in any other way, except to indicate that he is a member of the Order.”

7. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1716

Draft Regulation

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 244, 1st para., paras. 1, 3.1, 3.2, 4, 6 et 14; 1997, c. 19, s. 16)

Supplemental pension plans **— Amendments**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting supplemental pension plans, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

This Regulation is made necessary by the assent, given on 5 June 1997, to the Act to amend the Act respecting the Québec Pension Plan and the Supplemen-

tal Pension Plans Act in order to facilitate phased retirement and early retirement (1997, c. 19).

The regulatory provisions are intended to set the rules for calculating the benefits of pension plan members who have received early benefits, to determine the conditions for replacing the pension payable under a pension plan by a temporary or life pension and to provide for the terms and conditions under which the benefits of members can be transferred from a pension plan. These provisions will, consequently, have some effect on the contents and administration of supplemental pension plans and on retirement savings instruments that are subject to the Regulation.

Further information may be obtained from Mr. Mario Marchand, Régie des rentes du Québec, place de la Cité, 2600, boulevard Laurier, Sainte-Foy (Québec), G1V 4T3 (tél.: (418) 644-8313, fax: 644-3663).

Any person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Claude Legault, President and General Manager of the Régie des rentes du Québec, place de la Cité, 2600, boulevard Laurier, 5^e étage, Sainte-Foy (Québec), G1V 4T3. Comments will be forwarded by the Board to the Minister of Employment and Solidarity, who is responsible for the administration of the Supplemental Pension Plans Act, under which this Regulation may be made.

LOUISE HAREL,
Minister of State for Employment and Solidarity,
Minister for the Status of Women and Minister for
Independent Community Action

Regulation amending the Regulation **respecting supplemental pension plans**

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 244, 1st par., subpars. 1°, 3.1°, 3.2°, 4°, 6° and 14°; 1997, c. 19, s. 16)

1. The Regulation respecting supplemental pension plans, approved by Order in Council 1158-90 of 8 August 1990 and amended by regulations approved by Orders in Council 1159-90 of 8 August 1990, 568-91 of 24 April 1991, 1895-93 of 15 December 1993, 658-94 of 4 May 1994 and 1465-95 of 8 November 1995, is again amended by replacing section 14 with the following section:

“**14.** In case of failure to produce a document referred to in section 12, additional fees shall be paid to the Régie for each full month of delay and such fees