

Private Members' Business

• (1750)

As is the case with respect to review processes which may take place currently within national sport organizations, or the Sport Medicine Council of Canada, there are many questions to resolve in relation to federal sanctions arbitration. These include, among others: the parties eligible for sanction; the number and qualification of arbitrators; the means by which arbitrators are appointed and their role and jurisdiction; whether or not there would be power of subpoena available to the parties from the arbitrator; and, the public interest in having the proceedings strictly private or open to public viewing, and so on.

Clearly these are complex issues which require a great deal of consideration by the Government of Canada in developing proposals for any new federal sanctions arbitration procedure.

But that is but one discrete aspect of a broader arbitration system and it would be premature and indeed irresponsible for the government to act upon today's motion unilaterally, as if it were the sole authority in this area. It is not.

The Acting Speaker (Mr. Paproski): On a point of order, the hon. member for Victoria.

Mr. Brewin: Mr. Speaker, the three government members who have already spoken to date have all persistently said that this resolution should not be considered because it would be premature. Yet all three speakers have said that the government is now considering the very matter which is embodied in this resolution.

The Acting Speaker (Mr. Paproski): That is debate. The hon. member for Lévis has the floor.

[*Translation*]

Mr. Gabriel Fontaine (Lévis): Mr. Speaker, on April 10, 1989, the hon. member for Victoria put the following motion on the Order Paper:

That, in the opinion of this House, the government should consider the advisability of establishing an independent review and arbitration process whereby disputes between athletes and sports organizations can be resolved, with the power to investigate and direct such remedies as deemed appropriate.

Mr. Speaker, I am pleased to join in the debate on the motion of the hon. member for Victoria. When the hon. member suggests in his motion that the government should consider the advisability of establishing an inde-

pendant review and arbitration process whereby disputes between athletes and sports organizations can be resolved, with power to investigate and direct such remedies as deemed appropriate. I imagine he is referring to the current situation with respect to appeal, arbitration and investigations in the Canadian sports field.

Mr. Speaker, before dealing with the appropriateness of the motion of the hon. member for Victoria, I should like to say something to my colleagues about the situation concerning recourses to appeals, arbitration and investigations just so they will have a better understanding of the whole issue.

That is what I should like to explain during the few minutes at my disposal.

For openers I notice that the motion under consideration does not say anything about appeal proceedings, yet I would suggest they are just as important as arbitration proceedings and the power to investigate.

In any case allow me to describe the context of current appeal and arbitration proceedings related to drug offences. In simple terms, the system includes three main components.

First we have the Canadian Academy of Sport Medicine. This body considers appeals filed when samples are taken, when sample B is opened and following a positive reading on sample B

If an athlete accused of an infraction to the antidoping rules so request after Sample B tested positive, the Council has full authority to activate the arbitration mechanism.

Surely you will have understood, Mr. Speaker, that these mentions of Sample B imply that a Sample A had first tested positive, the results of Sample B confirming simply those of Sample A.

Then, there are the national sport-governing bodies which hear appeals based on internal rules and procedures.

Finally, there is the Federal Government which, through its Minister of State (Fitness and Amateur Sport), which hears the appeals concerning the re-establishment of government financing eligibility.

If I may, Mr. Speaker, I should like to return to the Sport Medicine Council. This organization, together with Sport Canada, published in July of this year a document dealing with the operation of standardized