

*Private Members' Business*

addressed in trying to reach a consensus on the future shape of any system encompassing appeal, arbitration and investigative procedures.

A fundamental question centres on the scope and mandate of the processes, mechanisms and procedures envisaged. In this regard, I note that the hon. member's motion focuses on disputes between athletes and sport organizations. There is no doubt that athletes are the first affected group to come to mind, but that is not the only group.

Coaches, for example, are intimately involved in the day-to-day operations of sport. We have had more than ample evidence this year that the rights and responsibilities of coaches can be areas of real dispute.

One need only recall Mr. Daniel St. Hilaire, a track and field coach, and his complaints about the national team selection process for the 1990 Commonwealth Games in Auckland. This well publicized and controversial case demonstrated the significance of dispute resolution in the area of coaches' rights.

Coaches' responsibilities were also the subject of well publicized and controversial testimony during the Dubin inquiry. In the end, Mr. Justice Dubin concluded that there is a need for national sport-governing bodies to establish mechanisms in this area. In short, I believe a legitimate case can be made here for expanding the categories of persons affected by arbitration processes beyond those immediately prescribed in today's motion.

Apart from the question of defining whose disputes are to be dealt with under any new arbitration process, there needs to be careful consideration of the nature of complaints allowed. The open-ended wording of today's motion implies a process for dealing with disputes generally, regardless of their nature. Indeed, this appears to coincide with the sort of resolution mechanism envisaged by Mr. Justice Dubin where he refers to disputes involving "the broad range of rules that govern the conduct of amateur sport".

Whether, in the final analysis, the mandate of an arbitration process were to be very broad in nature is something that needs careful consideration. Clearly, mandate issues must be defined before informed decisions can be made about their viability from an operational, financial and human resource standpoint. Once questions concerning the scope of arbitration processes

are defined, presumably the next major question to resolve is whose responsibility it is to provide them.

The motion of the hon. member for Victoria makes what many may consider a giant presumption in that regard. It states that "the government should consider the advisability of establishing" a review arbitration process with investigative powers. What about the responsibility of the other players in the sport system? What about the recommendations in the Dubin report which, while clearly pointing out a need for changes in the current federal appeals procedure on funding sanctions relating to doping infractions, also points to the sport-governing bodies.

I think it is fair to say that the likelihood of success in implementing an effective arbitration process will depend on the degree of "ownership", as the minister's discussion paper terms it, which national sport organizations accept in the regulation of their respective jurisdictions. For example, today's motion calls for an "independent" process but independent in relation to what and to whom?

At this stage we need to think further about this concept, not in the sense of questioning the need for absolute fairness and due process but rather in the structural and organizational sense.

Again, the minister's discussion paper puts the question succinctly: In what circumstances should the provider of the appeal arbitration and investigative service be individual national sport organizations, or a central agency or a co-ordinated effort by both? Insofar as doping infractions themselves are concerned, the Dubin report appears to see the investigatory side of the process at least as a co-operative venture requiring the participation of both an expanded central independent agency capacity and concerned national sport organization.

Earlier I alluded briefly to appeal procedures for federal funding sanctions imposed on athletes who have committed doping infractions. Obviously this is one element of the current system which falls within the government's jurisdiction and one which the federal government is asked to address in the context of recommendation 42 of the Dubin report. That recommendation calls for the right of appeal to an independent arbitrator as opposed to the Minister of State for Fitness and Amateur Sport on the question of entitlement for direct federal funding.