

Private Members' Business

involving virtually any agency or individual who has a sport grievance.

However, in reality, the number of cases brought before the Court of Arbitration for Sport is quite small, probably fewer than 30 cases since the mechanism was created in 1984. This is mainly because the Court of Arbitration for Sport generally insists that other avenues of appeal and arbitration be exhausted before the resolution through the CAS is invoked, providing, in a sense, a court of independent final appeal.

It can be expected that the Court of Arbitration for Sport will be used more frequently in international sports in the years ahead, as athletes and others become more aware of avenues of appeal and dispute resolution that have been established and more litigious in their outlook generally, based to some degree on the expanding commercial elements associated with amateur sport.

Over-all, Mr. Speaker, one can conclude that many international federations have dispute resolution mechanisms. Such mechanisms to consider appeals of rule application decisions are very well established, in the form of juries of appeal, which operate at virtually every sport event and have been in place for many, many years. Other non-competition grievances, that is, issues which do not have to do with the conduct or outcome of competition, are being established, with most international federations having a mechanism of some sort.

As hon. members know, the issue of arbitration process for sport was clearly addressed in the report of the Commission of Inquiry Into the Use of Drugs and Banned Practices Intended to Increase Athletic Performances, otherwise known as the Dubin report. The Dubin report makes 10 recommendations on the need for improved appeal, arbitration and investigative procedures in relation to doping in sport.

While the Dubin recommendations on appeal, arbitration and investigation deal primarily with doping infractions, the section of the report focusing on athletes' rights does express concern for sport-related disputes generally. And the need for a new approach in sport to arbitration is clearly spelled out.

• (1740)

This brings me to the motion before us today.

Certainly, the spirit of this motion is consistent with the principles enunciated in the Dubin recommendations and the general recognition that improvements are needed in many areas of our sport system.

But, as the Minister of State for Youth, Fitness and Amateur Sport indicated in his August 9 statement, there are many players in the sport system, all of whom share a role in bringing about improvements and without the input of whom there will be little opportunity for real change.

As the minister said at the time, the government is spending this fall, consulting widely on the Dubin report. I can tell you, Mr. Speaker, that the issue of appeal, arbitration, and investigation processes is an important part of the consultations.

Recently, the minister circulated a discussion paper on doping-related matters that includes a whole section on this area. It will form the basis for dialogue with the national sport organizations and other interested parties. The minister expects to respond before the end of the year.

In the meantime, it would perhaps be inappropriate to support the hon. member's motion and possibly, preempt this consultation process.

In closing, Mr. Speaker, I want to thank the hon. member for bringing this issue forward and giving the House an opportunity to debate it. Today's debate makes an important contribution to the many viewpoints which are currently being expressed in the consultation process.

Mr. Ken Monteith (Elgin—Norfolk): Thank you, Mr. Speaker, for the opportunity to speak to the motion put forward by my hon. colleague.

The theme of fairness and due process for athletes is embodied in this motion which calls for an independent review and arbitration process, with power to investigate and direct such remedies as may be appropriate. Certainly this is a theme which the government is supporting and encouraging in its consultations with national sport organizations and others.

I am sure hon. members can appreciate that there are many generic questions which need to be seriously