

A number of national sport organizations have some form of appeal process and grievance procedure available for their athletes and coaches. However, it would be desirable to have a uniform system throughout the amateur sport community.

On October 4, 1990, the sub-committee on fitness and amateur sport unanimously adopted a motion requesting the Minister of State for Fitness and Amateur Sport to permit one of the coaches mentioned in Justice Dubin's report to appeal the action recommended to be taken against him by Justice Dubin in his report. The motion stated:

That the Sub-Committee ask the Minister of State (Fitness and Amateur Sport), to establish an independent arbitration into the case of Mr. Kulesza, if he applies for arbitration.

I hope that our adoption of this motion signals to the minister that there is a need to obtain a uniform system within the amateur sport community that will aid athletes and coaches to deal with problems that arise in their respective sport bodies. The federal government should now come forward and help in developing such a system.

In conclusion, Mr. Speaker, I believe that our amateur athletes and coaches should obtain a uniform and independent review and arbitration process to settle disputes between them and the respective sport organization. I call upon the government to offer whatever assistance necessary in bringing this about. By helping to create such mechanisms, the government would be acting in a positive manner and also assisting in accomplishing the goal of providing fairness and equity in the Canadian amateur sport system.

**Mr. Fernand Jourdenais (La Prairie):** Mr. Speaker, thank you for allowing me to take part in this important debate on the motion put forward by the hon. member for Victoria.

We on this side of the House are well aware of the hon. member's interest in amateur sports in the country and we thank him for his work on the parliamentary sub-committee on fitness and amateur sport.

The hon. member's motion calls on the government to consider the advisability of establishing an independent 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.

Before commenting directly on the motion, I thought it might be useful to bring hon. members up to speed on the international situation with respect to sport arbitration and appeals.

There are basically two types of mechanisms in place for the review of disputes about the actions of international sport bodies.

First, there is an appeal arbitration process within international sport federations to resolve disputes among members, national federations, or between a member national federation and the international body.

For example, a national federation might dispute the action taken by the international federation in the awarding of the rights to an international championship event. In this case, the national federation could ask for the dispute to be submitted to the arbitration process established by the rules of the international federation.

In addition to disputes involving national federations, some international federations insist, through their rules, that each national federation set up an arbitration mechanism to deal with disputes between national federations and athletes.

In the case of disputes between an athlete and the international federation, the dispute may be brought forward to the arbitration panel of the international federation.

Usually, there are limits as to what can be brought before the arbitration panel of an international federation. In general, doping-related issues and eligibility matters are what the international federations are prepared to deal with, that is, subjects where penalties are automatically invoked by the international federation if guilt has been established.

It should be noted that not all international federations have clear rules concerning arbitration, although increasingly it is the case that they do. For example, the International Amateur Athletics Federation, the world governing body for track and field, has extensive rules on its arbitration panel.

The second type of mechanism for settling disputes in the international domain is the International Olympic Committee's Court of Arbitration for Sport. This mechanism, in theory, will deal with a wide variety of disputes