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## **Standing Committee on Canadian Heritage**

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**The Honourable Michael Chong**



## Standing Committee on Canadian Heritage

Wednesday, March 23, 2011

• (1530)

[Translation]

**The Chair (Hon. Michael Chong (Wellington—Halton Hills, CPC)):** Welcome to the 48th meeting of the Standing Committee on Canadian Heritage, on March 23, 2011. We are meeting pursuant to Standing Order 108(2) to study the appointment of Tom Pentefountas as Vice-Chair (broadcasting) of the Canadian Radio-television and Telecommunications Commission (CRTC).

Welcome, Mr. Pentefountas.

**Mr. Tom Pentefountas (Vice-Chair (Appointee), Canadian Radio-television and Telecommunications Commission):** Thank you.

**The Chair:** I invite you to begin your opening remarks.

**Mr. Tom Pentefountas:** Thank you.

Good afternoon, Mr. Chair and distinguished members of the committee.

Thank you for this opportunity to meet with you so soon after my appointment to the CRTC.

[English]

It is very hospitable of you. I appreciate it, and I thank you.

[Translation]

I was very honoured to be offered this appointment. It was with pride and humility that I accepted it.

No one can pretend to have all the answers when dealing with a sector like communications. I am confident that I will have numerous opportunities to work with you in a spirit of collaboration to find solutions to the challenges that await us in broadcasting and telecommunications.

My parents arrived in Montreal in 1963. Their knowledge of the two official languages was very limited, and they had received very little formal education. But they were ready to work hard, and for my brother and me, that was the main value they passed along to us. The key to success could be found in hard work.

Like many other immigrants, they settled in the allophone neighbourhood of Parc-Extension in Montreal. In 1976, they moved to Boisbriand, which was and probably still is 90% francophone. I experienced a cultural and linguistic shock, but the adjustment was eased by our national winter sport.

When the time came to pursue post-secondary studies, I studied in English at Concordia University, where I completed a Bachelor of

Arts with Honours in Political Science and a minor in philosophy. I then studied in French at the University of Ottawa, where I completed a Bachelor of Laws.

From an early age, I became interested in Canadian history and Canadian identity. I have always been fascinated by Canada's linguistic duality and cultural plurality. Montreal gave me a coveted, if not unique, opportunity to gain an appreciation for the Canadian reality and its fragility. We only have to think of the commotions that took place in Quebec in the 1970s and 1980s and their impact on the national discourse.

These experiences exposed me to the many facets of the Canadian mosaic, including the visceral sentiment expressed in the need to guard and promote the French language and Quebec culture in the middle of an anglophone sea; the Montreal anglophone communities' desire to protect its language and the institutions it has built over the centuries; the culture of anglophone Canadians outside of Quebec; the challenges faced by the immigrant population and newcomers to Canada; and the easy access to American and European culture for those who have an interest.

I believe that the ability to move with ease from one culture and from one language to another is an essential attribute to act within the CRTC.

Through the experience that I have acquired over the past 20 years, I have become very familiar with the workings of administrative tribunals and what is involved in making submission. As a lawyer, I was trained to ask probing questions, to be thorough in my analysis of the evidence and to follow due process. I have dealt with intricate and technical issues, which required me to review thousands of pages of documentation that had nothing to do with the legal domain.

I also have a great deal of respect for the Canadian democratic process and the people like yourself who are active within it. An interest in politics and a desire to improve Quebec prosperity led me to join the Action démocratique du Québec. In 2007, I was honoured to be elected as the party's president. In that management role, I worked to achieve a consensus between the employees, party members, elected members and volunteers, despite their sometimes different interests and personal agendas.

Therefore, I come to the CRTC with these personal and professional experiences, as well as with my passion and commitment for this institution. I am particularly impressed by the dedication and professionalism of the CRTC's staff. The CRTC must tackle issues that are often complex. Its decisions can have wide-ranging implications and can sometimes be contentious. The CRTC has the difficult job of striking a balance between competing needs and interests, while never losing sight of the interests of consumers.

• (1535)

Canada's arts and culture sector employs more than 630,000 Canadians and contributes over \$46 billion to our gross domestic product. Broadcasting occupies an important place within this sector and is a strong contributor to the Canadian economy. But it fulfils an even greater function through its promotion of Canadian identity, Canadian pride and Canadian values.

Since its creation, the CRTC has worked to achieve the objectives of the Broadcasting Act. Thanks to its efforts, Canadians have access to the highest-quality broadcasting content, on the platform of their choice, as well as the highest-quality communications products and services. This has been largely accomplished by setting Canadian content requirements that radio and television broadcasters must follow.

[English]

These regulations have enabled our artists to bring home Grammys, Brit Awards, and Victoire Awards .

[Translation]

We can't help but feel pride in our music industry's accomplishments in both languages when our artists succeed abroad.

[English]

The CRTC has tried different approaches to produce similar results in the television industry. French-language programs are highly successful and attract large audiences in Quebec. English-language programs continue to face an uphill battle, given that they must compete with the entertainment giant located just south of our border.

That being said, we have the know-how to compete, as evidenced by productions such as *Flashpoint*, *Rookie Blue*, and *Republic of Doyle*. These are a few examples that we can follow in the near future. But what more can be done? I look forward to speaking to stakeholders to develop ideas and strategies so that Canada can take its place among the leaders of the global entertainment industry.

• (1540)

[Translation]

The CRTC must also support the development of our telecommunications system by achieving the objectives of the Telecommunications Act. One of the legislation's primary goals is to provide Canadians with access to reliable, high-quality services at a reasonable cost.

[English]

Despite the challenge presented by a small population scattered across a large territory, telephone and cable companies built

expensive networks across the country. None of this would have been possible without companies that were willing to take huge financial risks.

With the exception of the national railway system of the 1800s, few industries have played such an important role in unifying Canadians. These networks are vitally important to Canada's ability to succeed in the knowledge-based economy. Broadband Internet networks are as essential to us today as the Confederation train was to an earlier generation.

This is not simply a business consideration. It is a vital question of national economic interest. We can ill afford to be left behind.

[Translation]

The communications industry is constantly changing. Convergence is on the verge of erasing the dividing line between broadcasting and telecommunications.

Consumers are getting more and more of their news and entertainment from the Internet and over mobile devices, and this content can originate from anywhere in the world.

[English]

Consequently, broadcasters have lost their captive audience in Canada.

[Translation]

Given this ability to access the content of their choice, on the platform of their choice, consumer expectations are growing.

[English]

How can we best support the creation and promotion of high-quality Canadian content in the digital environment? That is one of our greatest challenges. Moreover, to face this new reality, the CRTC must implement 25-year-old legislation. This is the equivalent of applying regulations from the Jurassic period to the 21st-century communications industry. There is no question that this digital environment requires different skills, approaches, and strategies. We need to be smarter, we need to be more creative, and we need to be more innovative.

The role of vice-chairman of broadcasting is one I take very seriously. I look forward to working with my colleagues and interested Canadians to define new concepts that will strengthen the CRTC's ability to regulate the world of communications while always keeping in mind the interests of consumers.

[Translation]

Thank you for your attention.

[English]

**The Chair:** Thank you very much, Mr. Pentefountas.

We'll have about 45 minutes for questions and comments from members, beginning with Mr. Rodriguez.

[Translation]

**Mr. Pablo Rodriguez (Honoré-Mercier, Lib.):** Good day, Mr. Pentefountas, and welcome to the committee. I am pleased to have you here. You are going to clarify some things for us.

Few appointments have raised as much protest or concern as yours. I would even say that, with this appointment, you are being more talked about than when you were with the ADQ in the recent past. That's normal, because this is an extremely important position. It affects a lot of people directly and indirectly and concerns the future of broadcasting and culture more generally.

When we look at the position, the related criteria and the required experience, and we look at your resume, we don't see many ties between the two. Nevertheless, you still put forward your resume.

Did you submit your resume yourself? Did people in the Prime Minister's Office or elsewhere ask you to submit it?

**Mr. Tom Pentefountas:** Mr. Chair, first, I would like to thank the honourable member for that question.

To respond to your first question, I must say that there is no reason for you to worry. With regard to the offer of employment as such, I mentioned that I wanted to serve and I offered my services.

**Mr. Pablo Rodriguez:** You made a general offer, but not for this position.

**Mr. Tom Pentefountas:** I was contacted by a friend whom you know. I had already applied for another position, and when this competition opened, that individual contacted me and I of course expressed my desire to take part in the competition.

• (1545)

**Mr. Pablo Rodriguez:** Who was this friend whom I know? I know many of your friends.

**Mr. Tom Pentefountas:** I am referring to Mr. Housakos.

**Mr. Pablo Rodriguez:** You looked at the notice and nonetheless decided to apply!

**Mr. Tom Pentefountas:** Yes, of course.

**Mr. Pablo Rodriguez:** So you see a connection between—

**Mr. Tom Pentefountas:** That is a broad question. I think I am contributing three main things, the first being legal rigour. Interveners must be given the chance to think and believe that we are listening to their arguments and their submissions. I have lived through that, and I understand the sacrifices made by the people presenting the arguments and who have to find the right word. I also understand that we must be in a position to justify our decisions at the CRTC and that even if people are disappointed that we did not accept their point of view, at least they understand the logic and overarching interest behind the decision.

**Mr. Pablo Rodriguez:** Mr. Pentefountas, those are general qualities. I don't doubt that you have them. It is highly likely that you do have them, but I am reading the document, which is highly specific. This notice calls for experienced and specific knowledge that are not linked to your experience, in my view. Don't be offended, it's not linked to you and your past.

I will read some of the qualifications required. There is mention of considerable knowledge of the legislative framework and mandate of the CRTC, knowledge of the regulatory environment in which the radio broadcasting and telecommunications industries operate in Canada and abroad, and knowledge of major issues linked to media convergence.

I could continue, Mr. Pentefountas. What in your résumé matches this profile?

**Mr. Tom Pentefountas:** The document mentions 25 criteria; I looked at it just this morning. First of all, it calls for knowledge, not necessarily expertise. In communications in general, and radio broadcasting, I believe that someone who was an expert 20 odd years ago is not necessarily an expert today. The industry and environment change almost every day. You need the ability to predict where we will be in the near future, understanding of the role played by the CRTC and radio broadcasting as regards consumer protection, the national economic interest, and the need to maintain and promote a Canadian identity. We must take all those things into account.

**Mr. Pablo Rodriguez:** When we raised that, the government—

**The Chair:** Mr. Rodriguez, we have to vote during this hour. We do not have much time.

Ms. Lavallée.

**Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ):** As you said in your presentation, you were offered this appointment by Conservative senator Housakos, who called you. When did he call you?

**Mr. Tom Pentefountas:** He did not call me. That is not exactly the way the appointment was offered—

**Mrs. Carole Lavallée:** When did he offer it to you? You said—

**Mr. Tom Pentefountas:** He didn't offer it to me.

**Mrs. Carole Lavallée:** That's what you said. You said: "I was very honoured to be offered this appointment [...]"

**Mr. Tom Pentefountas:** The appointment wasn't being offered. There was an offer, a competition that had opened up... I believe that was in the spring of 2010 and—

**Mrs. Carole Lavallée:** When did you make your offer? Did you do it in writing? Did you fill out a form or write a letter to go along with your résumé?

**Mr. Tom Pentefountas:** As such for that position, no.

**Mrs. Carole Lavallée:** So you got a phone call. Yes or no?

**Mr. Tom Pentefountas:** I got a phone call. It's not that simple, Mr. Chairman.

**Mrs. Carole Lavallée:** Did you get a phone call?

**Mr. Tom Pentefountas:** I got one in mid-August 2010 from a person named Edwige Henry. She told me that there was an interview date for the position in question.

**Mrs. Carole Lavallée:** When was that?

• (1550)

**Mr. Tom Pentefountas:** I would say that it was the following Monday, either August 21 or 22, somewhere around there.

**Mrs. Carole Lavallée:** Did you go to it?

**Mr. Tom Pentefountas:** We went to Ottawa.

**Mrs. Carole Lavallée:** You must speed up, our time is limited.

**Mr. Tom Pentefountas:** I understand, but I am trying to answer your question.

We went there, and we were put into a room to wait for the interview.

**Mrs. Carole Lavallée:** Where in Ottawa? Was it at the Langevin building?

**Mr. Tom Pentefountas:** It was 80 Wellington Street. There were four or five people from various government offices. The interview lasted about an hour and a half. There were about a dozen questions.

**Mrs. Carole Lavallée:** I am sorry for interrupting you, but I don't have much time.

Did you meet the Prime Minister following the interview?

**Mr. Tom Pentefountas:** I have never met the Prime Minister in my life.

**Mrs. Carole Lavallée:** During the interview, were you asked a question like "Would you be open to advice from the minister in your decisions?"

*La Presse* reported that the question was the following one. You return to the office after a hearing, you have a message in your voice mail from the minister and he wants to discuss the issue you just met on. What do you do?

It was a question like that which talked about, to be blunt, ministerial interference in CRTC decisions.

**Mr. Tom Pentefountas:** There was a question similar to that.

**Mrs. Carole Lavallée:** How did you answer it?

**Mr. Tom Pentefountas:** I said that it wasn't our... that ethically speaking, it wasn't necessarily a good approach.

**Mrs. Carole Lavallée:** So if you go back to the office and you get a call from the minister, you don't call him back?

**Mr. Tom Pentefountas:** When we are in the middle of a hearing or... There has to be some context.

**Mrs. Carole Lavallée:** If you sat the interview in August, how is it that in December, you told Lawrence Martin that you had never heard anything about the appointment? Mr. Martin published that in his column.

**Mr. Tom Pentefountas:** Mr. Chairman, I do not recall having spoken to anyone named Lawrence Martin.

**Mrs. Carole Lavallée:** In his column entitled *Morning Brief* in the December 9 edition of *iPolitics*, Lawrence Martin says that you had confirmed not ever being contacted or solicited regarding an appointment to the CRTC.

**Mr. Tom Pentefountas:** No, what happened is that at the end of November or the start of December, I received several calls from journalists. I specifically recall that someone called me at home around 7:00 p.m. and told me that I had been appointed. I said that it was news to me, that I knew nothing about it, and that no one had advised me of the appointment or shared that news with me and that consequently, I could not comment.

**Mrs. Carole Lavallée:** You never said that you had never been approached about the appointment?

**Mr. Tom Pentefountas:** No, what I said is that I had not received any news about the appointment. I said, in fact, that it was news to me.

**Mrs. Carole Lavallée:** It appeared in all the newspapers.

**Mr. Tom Pentefountas:** There are undoubtedly things—

**Mrs. Carole Lavallée:** Questions on the matter were even raised in the House of Commons, and you were not aware of that?

**Mr. Tom Pentefountas:** Things are undoubtedly published in the newspaper about you, Ms. Lavallée, which are not necessarily true. So, it was the answer—

**Mrs. Carole Lavallée:** If someone said something about me that wasn't true, I would put out a press release. I would react, I would try to set the record straight.

**The Chair:** Thank you, Ms. Lavallée.

Mr. Pentefountas, you have the floor.

**Mr. Tom Pentefountas:** I have never read that article, I have never even seen it. When you are living your life in Montreal, taking care of your practice, your clients and your family, you don't necessarily read everything there is in the newspapers. Did you read that in *iPolitics*?

**Mrs. Carole Lavallée:** It was in all the papers. As I said, there were questions about it in the House of Commons.

**Mr. Tom Pentefountas:** This may come as a surprise to you, but not all Canadians watch question period regularly.

[English]

**The Chair:** Merci, Monsieur Pentefountas.

Mr. Angus.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Thank you, Mr. Chair.

Mr. Pentefountas, you're very busy in Montreal. You don't follow question period.

You're now the vice-chair. When did you put in your application—I've heard a couple of dates—that had been posted in the *Canada Gazette* for this position?

**Mr. Tom Pentefountas:** I don't know when the application was put in specifically. What I do know is that in mid-August I received a call, I don't know from which department.

**Mr. Charlie Angus:** But did you put in before—

**Mr. Tom Pentefountas:** I had expressed an interest in the post.

**Mr. Charlie Angus:** "Expressed an interest" isn't the same. Did you put in a résumé? Did you officially apply?

**Mr. Tom Pentefountas:** Mr. Housakos applied—in other words, he deposited the résumé for me.

**Mr. Charlie Angus:** So Mr. Housakos called you and said, "Hey, we're old pals. I've got a job here."

When did he make that call?

**Mr. Tom Pentefountas:** I can't give you the exact date, and it didn't happen necessarily in those terms.

● (1555)

**Mr. Charlie Angus:** When? Are you saying August?

**Mr. Tom Pentefountas:** Spring 2010.

**Mr. Charlie Angus:** Spring 2010. There were eight people short-listed, and you weren't one of them. Mr. Housakos calls you and says "This is a job I think you should take."

**Mr. Tom Pentefountas:** That's not the case. There had been jobs that had been suggested—

**Mr. Charlie Angus:** Well, you told us he—

**Mr. Tom Pentefountas:** Let me answer your question. There had been other jobs that had been available, that had been opened up, and I didn't express an interest in them.

**Mr. Charlie Angus:** What, they were political payback?

**Mr. Tom Pentefountas:** If you don't mind letting me explain, this particular—

**Mr. Charlie Angus:** I'm just trying to figure it out. You told us you got this job because Mr. Housakos called you. Normally with the *Canada Gazette*, people have a background, they have an interest.

There were eight candidates who were short-listed. You weren't one of them. Mr. Housakos put the little birdie in your ear that this job was coming due, and then you came in....

So is August when all this started to happen?

**Mr. Tom Pentefountas:** August is when I got a call to come in to interview.

**Mr. Charlie Angus:** But you didn't make any effort yourself. Mr. Housakos opened the doors for you.

**Mr. Tom Pentefountas:** "Opened the doors"...I don't necessarily agree with that.

**Mr. Charlie Angus:** When you were president of the ADQ, you would have worked pretty closely with now Senator Housakos on a number of elements. At that time there were lots of questions about the business relations at the ADQ, and financing.

Were either of you ever involved with any business that is now under investigation by the Canada Revenue Agency?

**Mr. Tom Pentefountas:** Were there really any insinuations of that nature at the time?

**Mr. Charlie Angus:** I'm just asking. Right now there are investigations. Were you, in your role, involved with any of those companies?

**Mr. Tom Pentefountas:** I've known Senator Housakos for close to 15 years. He's a friend of mine.

**Mr. Charlie Angus:** Well, obviously. You guys get along pretty well.

I'm just asking, when you were in that position, were you guys negotiating with any of those companies?

**Mr. Tom Pentefountas:** I have never been involved in anything of that nature, nor have I seen my friend involved in anything of that nature.

**Mr. Charlie Angus:** Well, you might not have known what was going on then.

I'm just asking, with the financing, you're with a political party.... You offer your political background as your experience at the CRTC. That's what you've told us your experience is. Part of that is financing. Yes or no, did you deal with any of those companies?

**Mr. Tom Pentefountas:** I've already told you that I did not.

**Mr. Charlie Angus:** You did not. Okay, excellent.

I'm interested.... You know, you're being a little touchy—

**Mr. Tom Pentefountas:** Would you be interested in the process?

**Mr. Charlie Angus:** Well, we haven't got that. We have that you were contacted by Mr. Rodriguez's friend—poor Mr. Rodriguez wants to put it on the record—and then you're not sure of the dates and you didn't actually do this yourself.

**Mr. Tom Pentefountas:** For the record, he's my friend.

What happened in August is that you got a call, you came in to interview, you're put in a room, you're given 20 minutes to read a series of questions—

**Mr. Charlie Angus:** Who was in that room?

**Mr. Tom Pentefountas:** If you might let me finish, you're put in another room—

**Mr. Charlie Angus:** Who was in the room with you?

**Mr. Tom Pentefountas:** No one.

**Mr. Charlie Angus:** Who did the questioning?

**Mr. Tom Pentefountas:** Thereafter you're called down....

I don't know who did the questioning. There were four or five people there. I may have taken notes and asked their names, but that document is taken back. You leave the room empty-handed, the same way you came in.

You're interviewed. A few days later you get a call, a supplemental interview, to discuss—

**Mr. Charlie Angus:** Was Louise Larlee, from the Prime Minister's Office, involved?

**Mr. Tom Pentefountas:** Who?

**Mr. Charlie Angus:** Louise Larlee, from the Prime Minister's Office.

**Mr. Tom Pentefountas:** Never heard of the person, sir.

**Mr. Charlie Angus:** Never heard of the person.

**Mr. Tom Pentefountas:** No.

**Mr. Charlie Angus:** Okay.

I guess our concern here is—

**Mr. Tom Pentefountas:** If I might just finish, I'll just give you the timeline.

**Mr. Charlie Angus:** I think my time is running out here. I just wanted to ask a question.

You don't read *The Globe and Mail* and you don't follow question period, but Lawrence Martin said—here are your qualifications—"Mr. Pentefountas comes equipped with two qualifications: his close friendship with the PM's director of communications—" he didn't add Mr. Housakos as well—"and zero experience in telecommunications".

Are you concerned that because of your very close relationship with Mr. Housakos, who gave you the nod for this job, and your close relationship with Dimitri Soudas, who is the director of communications right in the Prime Minister's Office, it looks a little odd that they were looking around for a job for you? You didn't like the other ones, but now you're vice-chair of broadcast? Don't you think that looks like political cronyism at the highest level?

**Mr. Tom Pentefountas:** If we could just set the record straight, Leo Housakos is a friend of mine. We've broken bread together. We know each other well. Our families know each other.

Dimitri Soudas is a gentleman I met maybe ten years ago in old Montreal. I think he was working either on the campaign for Mayor Tremblay or the party thereafter. It was in a food court. My office in old Montreal, the courthouse, is in old Montreal, and I might have spoken to him for a couple of minutes. I think he was 19 at the time, or 18.

**Mr. Charlie Angus:** So you—

**Mr. Tom Pentefountas:** Let me finish.

**The Chair:** Thank you, Mr. Angus.

Go ahead, Mr. Pentefountas, quickly.

**Mr. Tom Pentefountas:** Thank you, Mr. President.

Shortly thereafter, he moved out west to take up a position with the Canadian Alliance or some party at the time. Over the last ten years, I've seen him maybe on two or three occasions in reception hall types of events in Montreal, with hundreds of other people there. I've spoken to him on a few occasions since then.

We are not close friends. We have not had lunch together. We have not had a drink together. I've never been to his house. He's never been to my house.

• (1600)

**The Chair:** Thank you very much, Mr. Pentefountas.

**Mr. Tom Pentefountas:** Those are the facts.

**The Chair:** Mr. Del Mastro.

**Mr. Dean Del Mastro (Peterborough, CPC):** Thank you very much, Mr. Chairman.

Mr. Galipeau just wants to make a brief statement that he thinks is relevant.

**The Chair:** My apologies. I thought Mr. Del Mastro wanted...

**Mr. Dean Del Mastro:** I'm just going to share my time with Mr. Galipeau.

**The Chair:** Okay, go ahead, Mr. Galipeau.

[Translation]

**Mr. Royal Galipeau (Ottawa—Orléans, CPC):** Mr. Chairman, I have just been listening to Mr. Pentefountas talking about his experience and particularly about how he found out about his appointment. He might be interested to hear that in 1981, when I was appointed to the board of directors of TVOntario, it was a journalist who broke the news to me by calling me late in the evening to congratulate me. I didn't know yet.

In the newspaper, the next morning, that was pretty much my reaction: I didn't know that the Government of Ontario had appointed me to that position.

**Mr. Tom Pentefountas:** The problem is that—

**Mr. Royal Galipeau:** I still did my job for six years.

**Mr. Tom Pentefountas:** Congratulations!

What's different in this case is that he was wrong. He thought I had been appointed, but I hadn't. In fact, I learned of my appointment on February 4. Around 1:30 p.m., I received a call saying that there would be a press release at 2:00 p.m. Congratulations! You've just been appointed. And there you have it.

[English]

**Mr. Dean Del Mastro:** Mr. Pentefountas, first of all, I really appreciated your opening remarks. I think you have a story that's a great Canadian story. I think if you look at your family, your family story, it's not that different from mine. It's probably not that different from many of the people here. I think you have demonstrated hard work and determination. You're a well-educated individual.

Some of your life experience, would that be in both business and law?

**Mr. Tom Pentefountas:** Most certainly. People have consulted me for the last 15 years on business matters, be it business models, be it financing, be it personnel, and other issues of the sort. I've also been involved in family businesses, be it my family or my in-laws' family. They are involved in business. I was vice-president of the Hellenic Board of Trade in Montreal, which is affiliated with the Montreal Board of Trade. So there are business experiences, there are legal experiences, and there are personal experiences.

The other thing is that we have an understanding of the general dynamic in Canada and all its component parts. I think of the capacity to move with great facility between the English community, the francophone community, and if you feel as much at home in east end Montreal as you do in Toronto or Sept-Îles, I think you bring something to the table in a complementary fashion, because you are working with 430 other people in the building right across the river here. So I'm looking forward to working with my colleagues to find forward-thinking solutions for the CRTC and for broadcasting in Canada.

**Mr. Dean Del Mastro:** I objected to this hearing because I think it sets a terrible precedent. I'm not aware of parliamentary committees dragging in persons who set their names forward for public service and trying to embarrass them or ask the types of questions or make the accusations that we've just heard from Mr. Angus or Ms. Lavallée, which I thought were deplorable. I found it somewhat disturbing.

This same week, we appointed a former Liberal member to the CBC board, and nobody wants to hear from that person. But they want to drag you in because they think that it might somehow be favouritism that you were appointed.

Do you feel qualified? From what you've said, you're a well-educated person. You have a lot of life experience, a lot of business experience, and legal experience. You sound qualified to me. Do you feel you're qualified?



**Mr. Tom Pentefountas:** Thanks for the question.

There are two things I want to mention. One, and I think Mr. Angus should maybe stick around for it—

• (1605)

**Mr. Charlie Angus:** I'm sorry. Just give me a minute. I have to—

**The Chair:** Order. Just focus on the question.

**Mr. Tom Pentefountas:** Your interest is overwhelming.

**The Chair:** Order. Let's focus on the question in hand. Mr. Del Mastro has asked a question.

Go ahead, Mr. Pentefountas.

**Mr. Tom Pentefountas:** Two things stem from what I just heard. People have to understand it as a process. You interview. There's a follow-up interview. There are reference checks, and the people you submit are called and they spend an hour or so on the phone with them. There are background checks. There are RCMP checks. You sign all kinds of waivers so that they can look at everything they want to look at. So it's not that simple.

Where Mr. Angus finds the eight people on the short list, I don't know.

**Mr. Dean Del Mastro:** I'm not aware of any short list. I'm going to ask him to—

**Mr. Tom Pentefountas:** I'll tell you something else. I'm not aware of anyone else that applied for this position.

[Translation]

**Mrs. Carole Lavallée:** It was in *La Presse*.

[English]

**The Chair:** Order. The chair has the floor. One person at a time. The person I've recognized is Mr. Pentefountas.

Go ahead, Mr. Pentefountas.

[Translation]

**Mr. Tom Pentefountas:** It may have been in *La Presse*, but—

[English]

I don't know who else was involved, who else may have applied, and I don't know the processes by which the committee that decides these things finalized their decision on my candidacy. That's the first element.

The second element is, it's a process. I understand the heightened political environment of the day. That being said, I'm leaving behind an excellent legal practice, a comfortable life in Montreal, and I'm coming to Gatineau to serve. It's an honour, a pleasure. I can do it, and I look forward to it.

**The Chair:** Thank you, Mr. Pentefountas.

Madam Crombie.

**Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.):** Thank you.

Mr. Pentefountas, it's a pleasure to meet you.

**Mr. Tom Pentefountas:** Likewise.

**Mrs. Bonnie Crombie:** What we're trying to establish is whether the rules of proper procedure were followed in your appointment. I think that's the underlying reason for this meeting.

I've looked at your résumé, and I agree with everyone: you're a bright, educated man. You have legal training from U of O. You were active with the ADQ and the Hellenic Chamber of Commerce. You were even an unsuccessful candidate, am I correct? You practice with Silver Sandiford.

My concern is that you have a very cozy network of friends and associates, and by coincidence good things seem to happen to these people. I'd like to go down the list a little bit: Senator Housakos, formerly of VIA Rail; Jean-Martin Masse, his good friend, replaced him at VIA Rail; Marcel and Gerald Tremblay, citizenship judge; Nick Katalifos, a business partner of Senator Housakos and chair of —

**Mr. Dean Del Mastro:** Mr. Chair, point of order.

**The Chair:** Madam Crombie.

**Mrs. Bonnie Crombie:** This is my time, I think.

**The Chair:** There is a point of order from Mr. Del Mastro. Go ahead, Mr. Del Mastro.

**Mr. Dean Del Mastro:** This study is about Mr. Pentefountas and his qualifications to be on the CRTC board. Madam Crombie is going through a process of dragging people's names through the mud for no apparent cause. I don't see how it's relevant to the study at hand.

**The Chair:** Thank you for that, Mr. Del Mastro.

**Mr. Charlie Angus:** Mr. Chair, point of order.

**The Chair:** Let me just deal with this point of order first, Mr. Angus.

I believe Ms. Crombie is speaking to the matter at hand. She is addressing the policies and procedures for order-in-council appointments. She is making her arguments before she comes to a question. So it is in order and I'll allow it.

Now, there is a point of order from Mr. Angus.

**Mr. Charlie Angus:** Mr. Chair, I have great respect and love for my colleague Mr. Del Mastro. I think he sometimes is a little thin-skinned. We heard him at the last meeting. He called a witness a fraud, and then he demanded that we understand that his five minutes was his five minutes.

So I think he should keep his stick on the ice.

**The Chair:** Thank you, Mr. Angus. I've already ruled on this issue. This is not a matter of procedure.

We'll go to Madam Crombie. Go ahead.

**Mrs. Bonnie Crombie:** Thank you, Mr. Chairman.

As I was saying, we have established that you're well educated. We're just here to determine how qualified you are for the position, notwithstanding the cozy group of friends you keep.

May I ask you a question? Have you ever made a donation to the Conservative Party of Canada?

**Mr. Tom Pentefountas:** Thank you for the question.

I may have at some point. I don't recall when that might have been. But I can tell you that I have also contributed to the Liberal Party of Canada.

• (1610)

**Mrs. Bonnie Crombie:** I'm sure that it's a matter of public record.

May I also ask you what type of law you practise?

**Mr. Tom Pentefountas:** For the most part, it is criminal defence.

**Mrs. Bonnie Crombie:** It is criminal defence.

Now, qualifications for your position require that the candidate possess extensive knowledge of the legislative framework and mandate of the CRTC, as well as knowledge of the theories, practices and procedures related to administrative justice, especially related to quasi-judicial bodies. An understanding of the relevant global, societal, economic trends,... the government's policy agenda and how it relates to the CRTC, its work,

Do you have such an understanding of the CRTC's mandate and its work?

**Mr. Tom Pentefountas:** I most certainly do.

**Mrs. Bonnie Crombie:** Well, perhaps you can entertain me—

**Mr. Tom Pentefountas:** There are over 25 criteria on the document in question.

**Mrs. Bonnie Crombie:** Well, I'm focusing on just one. I don't have time to go through the other 24. This is just the one I'd like to ask about.

**Mr. Tom Pentefountas:** You should take the time. I think it's an important position.

**The Chair:** Mr. Pentefountas, Madam Crombie has the floor. She is entitled, as a member, to have her time and to use it as she wishes.

Go ahead, Madam Crombie.

**Mrs. Bonnie Crombie:** Mr. Pentefountas was going to tell me about his awareness of the CRTC mandate and policies.

**The Chair:** Go ahead, Mr. Pentefountas.

**Mr. Tom Pentefountas:** Was there a specific question there?

**Mrs. Bonnie Crombie:** Certainly. Why don't we talk about your vision of foreign ownership in the telecommunications industry.

**Mr. Tom Pentefountas:** The problem with discussing things of that nature is that most of the issues the CRTC faces currently are either before the tribunals or will be the subject of hearings in the upcoming months.

**Mrs. Bonnie Crombie:** How about your views on the CBC's five-year plan?

**Mr. Tom Pentefountas:** If you might allow me, I don't want to be in a situation of having to recuse myself repetitively over the next few months.

**Mrs. Bonnie Crombie:** I am trying to establish whether you have an understanding of the issues before the CRTC and what your knowledge of the issues you will face and deal with is.

Why don't you tell us your views on the CBC's five-year plan, if you can, please?

**Mr. Tom Pentefountas:** Well, we're going to get a five-year plan in September. And when we get the five-year plan, we're going to study it. We're going to look at it carefully, and we're going to see if

it is, and what elements of that plan are, in the best interests of Canadian public broadcasting.

CBC has a rich and storied history, and there is going to be a role for good broadcasting in Canada. The question is to find out what form that role will take.

**Mrs. Bonnie Crombie:** Have you followed this committee's work with respect to vertical integration in the telecommunications industry?

**Mr. Tom Pentefountas:** Well, we're going to have a hearing on that in the upcoming months. It's an issue. Many issues arise from that.

There was a time when we had broadcasters, and we had people involved in telecom, and those lines are slowly coming together. Now the question is whether there will be undue preference if we're producing the product.

Take Quebec as an example. I don't want to use specific companies, but when you're producing a product you have the channel that's showing that product, and you're also controlling the cable company that's distributing that product. There's an issue there, because you have independent producers who are running out of places to sell their products.

**Mrs. Bonnie Crombie:** I need to get one more question in, if I can, because my time is almost up.

The CRTC's position on usage-based billing differs from the government's. How will you reconcile those two positions?

**Mr. Tom Pentefountas:** Well, as you know, honourable member, that issue is coming before the CRTC shortly. There was a decision that was overturned by the government, as is the government's prerogative, and we will have to address that issue in the coming months. I think it would be unwise for any member of the CRTC to pronounce on that and give a personal opinion before we have a chance to hear arguments and representations.

Our job is to listen and to think clearly as to what would be in the best interest of Canadians and the providers of services.

**The Chair:** Thank you, Mr. Pentefountas.

Madame Lavallée.

[Translation]

**Mrs. Carole Lavallée:** I have a number of questions to ask.

You must realize, Mr. Pentefountas, that the reason your appointment raises so many questions on this committee is that it makes no sense. The job offer, the notice of vacancy we saw, had 25 criteria, but you don't meet any of them.

Furthermore, all kinds of people have the skills you claim to have. There are lots of people like you in Quebec, people with legal rigour and knowledge. What's more, there wasn't even any requirement for the candidate to be from Quebec, the requirement was to be francophone. In fact, you don't even meet that criterion, because even though you speak French very well, it is obviously not your mother tongue. You went to school in English.

•(1615)

**The Chair:** Ms. Lavallée, Mr. Rodriguez has a point of order.

**Mr. Pablo Rodriguez:** Excuse me, but I consider myself francophone, even though my mother tongue is Spanish. So I would ask you to be careful about that.

**Mrs. Carole Lavallée:** I know, but—

[English]

**The Chair:** That's not a point of order. It's not a matter of procedure, it's a matter of debate.

Madame Lavallée has the floor. I'd ask that members, when they have interventions to make that are not of concern regarding procedure, save those interventions for the time they have been allocated as per the routine motions, so we can have some order in this committee.

[Translation]

The floor is yours, Ms. Lavallée.

**Mrs. Carole Lavallée:** I will continue my argument then. I said that your appointment created such an outcry because you did not meet any of the criteria or requirements of the job. As I stated earlier, thousands and even hundreds of thousands of people in Quebec have the qualities that you say you possess. Your only asset is that you know Mr. Housakos.

If you did not know Mr. Housakos, if you had not been active in the Conservative Party or the ADQ, would you be the vice-chair of the CRTC or sitting across from us today discussing your job?

**Mr. Tom Pentefountas:** Mr. Chair, I would first like to thank the member for her subtle question and for the restraint she has shown.

I have not looked at a dictionary today, but it seems to me that if we were to define the word francophone, we would refer to someone who works and lives in French. Being able to express oneself in that language should not—

**Mrs. Carole Lavallée:** I apologize for interrupting you, but I would like you to answer my question.

If you did not know Senator Housakos, would you be vice-chair of the CRTC today and would you be sitting here trying to justify why you were appointed to this job for which you meet none of the criteria?

**Mr. Tom Pentefountas:** First, as concerns the language question—

**Mrs. Carole Lavallée:** No, I'm sorry, Mr. Pentefountas, but you must be good enough to answer the questions, when you are seated in that place.

**Mr. Tom Pentefountas:** It would also be good of you, and show basic courtesy, if you did not interrupt people when they are speaking.

**Mrs. Carole Lavallée:** Here, we interrupt each other frequently because our time is limited.

**Mr. Tom Pentefountas:** I understand.

First, as concerns the language question—

**Mrs. Carole Lavallée:** No, I'm sorry, but I want you to answer my question.

**Mr. Tom Pentefountas:** Being able to express oneself in one language does not mean that one cannot express oneself in another language.

**Mrs. Carole Lavallée:** Mr. Pentefountas, if you do not answer my question concerning Senator Housakos, it is because you do not have an answer or because the answer lies in my question.

I apologize, Mr. Chair.

[English]

**The Chair:** Madame Lavallée, would you please allow Mr. Pentefountas to respond to the question? If after a short amount of time he has not answered the question, then you can move on to another question, but just give him the floor for a moment to answer the question.

Mr. Pentefountas, you have the floor.

[Translation]

**Mr. Tom Pentefountas:** Thank you, Mr. Chair.

It is not up to me to justify this appointment. I followed the process, I was interviewed, I was called to serve and it is with a great deal of pride that I am committed to doing so.

I think that at some point you have to give the person the benefit of the doubt. We can meet again. I would be pleased to come and see you regularly to answer your questions and listen to you. You are in a privileged situation. Every weekend, you go back home, you listen to your voters, and you can present solutions to the CRTC. I would be pleased to meet with you regularly.

**Mrs. Carole Lavallée:** I do not think that you understand your role.

**The Chair:** Thank you, Mr. Pentefountas.

Ms. Lavallée.

**Mrs. Carole Lavallée:** I think you misunderstand your role, Mr. Pentefountas. Your role is not to come before us to hear what we have to say on behalf of our fellow citizens. Your role is described in 25 criteria contained in the notice of vacancy. Among other qualifications, you need sufficient experience formulating cultural or regulatory policy. You must provide broadcasting-related suggestions to the chairperson, you must, and I did not come up with this, possess extensive knowledge of the legislative framework and mandate of the CRTC, an understanding of the relevant global, societal, economic trends, and I continue on...

In any case, even the minister, James Moore, acknowledged this in the House, you do not have the required experience.

It should be noted that your appointment is related to your affiliation with the Conservative Party. The Conservative government is seeking to take control of agencies and regulatory institutions. That is the only possible explanation for your appointment to a position that should never have been yours, and for which there were nine qualified candidates, as stated in *La Presse*, on Monday February 14. In fact the title of the article I have before me is "Selection of the CRTC Vice-Chair: Harper's Office Involved".

We understand not only that the Prime Minister played an important role in the selection process but that he found a candidate through whom he can control the CRTC and to whom he will provide direction that is to be followed by the CRTC.

That is what needs to be said.

•(1620)

**The Chair:** Thank you, Ms. Lavallée.

Mr. Armstrong, you have the floor.

[English]

**Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC):** Thank you for being here, Mr. Pentefountas.

**Mr. Tom Pentefountas:** Thank you for having me.

**Mr. Scott Armstrong:** You've been with the CRTC a short time.

[Translation]

**Mr. Tom Pentefountas:** I begin employment on April 4.

[English]

**Mr. Scott Armstrong:** Right. So in the time since you've heard about your appointment, what have you done to prepare yourself to go into this? Have you worked very hard—I'm sure you have—to prepare yourself for this position?

**Mr. Tom Pentefountas:** I can tell you that I've been at the office in Gatineau on a regular basis since my nomination, easily three or four days a week, including this week, and I will continue to do so up until April 4.

**Mr. Scott Armstrong:** In what you have learned so far about this position, have you found that your background is going to be very advantageous in helping you to engage in your role at the CRTC?

**Mr. Tom Pentefountas:** I think so. I think we're capable, we're qualified, and we can't wait to serve.

**Mr. Scott Armstrong:** In your background, you worked for or were involved in CKDG 105.1 FM. Can you explain your involvement and what you did in that organization?

**Mr. Tom Pentefountas:** I was a regular guest at CKDG, speaking on legal issues. I was also a regular guest at CJAD on *The Next Gang of Four*. I had a number of appearances there. We talked about the issues of the day.

**Mr. Scott Armstrong:** So you would comment particularly, bring a legal expertise and background—

**Mr. Tom Pentefountas:** Not on CJAD. That would be more general questions pertaining to current events. The CKDG appearances were more on legal questions.

**Mr. Scott Armstrong:** Looking at your résumé, I see you have a very diverse background with a lot of activities. I'm a former party president myself, and I know the role one has is very diverse and one has to work with a whole different group of people coming from different backgrounds: fund-raisers, candidates' staff, policy developers. That position brings a wealth of knowledge.

In all these positions you've had before, did you ever have to go through a hiring process where you were hiring people yourself? Were you active in hiring people?

**Mr. Tom Pentefountas:** Yes, I have hired people. I've been active in hiring people.

**Mr. Scott Armstrong:** When you did that, when you were actually in charge of hiring people, did you set a process to do that, publicize that process, and take people through a set process before you actually hired them?

**Mr. Tom Pentefountas:** Yes, most certainly.

**Mr. Scott Armstrong:** When you applied for this process, did you find it was a process that was well done, well executed, and something you would have been familiar with as somebody who had hired people before?

**Mr. Tom Pentefountas:** Most certainly.

**The Chair:** Thank you, Mr. Armstrong. That will be the last question for today on this panel.

Mr. Pentefountas, you can respond to that.

**Mr. Tom Pentefountas:** Yes, most certainly. But you know, in my experience, we people who get nominated don't know what's happening behind the curtain and behind the scenes. We don't know what the thinking is. We don't ever know why they settled on this candidacy as opposed to another candidacy. All we do is put ourselves forward to serve, and if we're so chosen, great.

•(1625)

**The Chair:** Thank you very much, Mr. Armstrong.

Mr. Pentefountas, I want to thank you for coming to this committee. I know that this may be your first time in front of a parliamentary committee.

**Mr. Tom Pentefountas:** Yes. Thank you.

**The Chair:** We graciously accept your testimony. Thank you for your appearance here.

We are going to adjourn shortly, because the bells are ringing.

Madame Lavallée has a question.

[Translation]

**Mrs. Carole Lavallée:** It has to do with the agenda. I handed you a motion and would like to know at what point today we can discuss it.

[English]

**The Chair:** Well, if the votes are finished before 5:30, we'll reconvene here for the continuation of committee business as outlined in the orders of the day and for the consideration of your motion. It all depends on when the votes finish today.

Mr. Rodriguez.

[Translation]

**Mr. Pablo Rodriguez:** Mr. Chairman, I simply want to make sure that it will not take place after 5:30 as I have another meeting planned at that time.

[English]

**The Chair:** No, we're not going to go past 5:30. If the votes finish at an appropriate time and we have time to reconvene, we'll reconvene here and continue the meeting to 5:30.

Without further ado, this meeting is suspended.

- \_\_\_\_\_ (Pause) \_\_\_\_\_
- 
- (1720)

**The Chair:** Welcome to the continuation of the 48th meeting of the Standing Committee on Canadian Heritage.

We're here pursuant to Standing Order 108(2) for a study of the appointment of Mr. Pentefountas as vice-chair, broadcasting, of the Canadian Radiotelevision and Telecommunications Commission.

We have in front of us today, on our second panel, three witnesses. Madame Lévesque is from the Department of Canadian Heritage. Madame Henry and Madame Boyd are from the Privy Council Office.

I want to thank all three of you for your patience, as we had votes in the House, and also thank you for coming to our committee to explain how appointments work.

I understand we have a motion that Madame Lavallée wishes to move that is consistent with the orders of the day.

Madame Lavallée.

[Translation]

**Mrs. Carole Lavallée:** Should I introduce my motion now?

I will read it, I think everyone has a copy of it. Did you distribute copies of it? No?

So—

[English]

**Mr. Dean Del Mastro:** Point of order, Mr. Chair. We did not receive a copy of the motion.

**The Chair:** Okay. She doesn't have to distribute it, but I'll ask the clerk to distribute it. She can read it or we can have it distributed. I will have the clerk distribute the copy as I originally received it.

I'll let Madame Lavallée move her motion. Please read it into the record.

[Translation]

**Mrs. Carole Lavallée:** I shortened the original version that you will be getting, but better to be safe than sorry. I will read it:

Pursuant to Standing Order 108(2), that the following motion be reported to the House at the earliest opportunity.

That the Standing Committee on Canadian Heritage call on the Heritage Minister to immediately relieve Athanasios Pentefountas of his duties as full-time Commissioner and Vice-Chair of the Canadian Radio-television and Telecommunications Commission (CRTC).

[English]

**The Chair:** We have a motion before us that has been moved. I have a point of order from Mr. Rodriguez first. Then we'll go to Mr. Del Mastro, and then Mr. Angus.

Mr. Rodriguez.

[Translation]

**Mr. Pablo Rodriguez:** Just as a matter of courtesy towards our witnesses, Mr. Chairman. If we are to debate this motion for five minutes, we could dismiss them, if they have—

[English]

**The Chair:** The orders of the day have asked these three witnesses to appear. They've appeared. Madame Lavallée has moved a motion and we're going to consider that first.

The meeting will adjourn at 5:30, in six minutes. So if we dispose of the motion we'll have a brief set of questions from the members for the witnesses. We'll have them stay in front of us until 5:30.

Mr. Del Mastro is next, and then Mr. Angus.

**Mr. Dean Del Mastro:** I have the same point as Mr. Rodriguez. I think it is kind of presumptuous of us to move to motions, as opposed to hearing from the witnesses who were requested by Madame Lavallée in the first place. Now she wants to pre-empt hearing from them. I think it's inappropriate.

**The Chair:** It's in order, so we have a motion in front of us.

Mr. Angus.

**Mr. Charlie Angus:** I was going to plead, since this might be our last chance to question him, to have two minutes so we could at least get that on the record and then talk about the motion.

**The Chair:** Well, the motion has been moved, so it must be disposed of. If there's no further debate I'll call the question on the motion.

Is there any further debate on the motion in front of us, as Madame Lavallée has moved?

**Mr. Dean Del Mastro:** Absolutely.

[Translation]

**Mr. Royal Galipeau:** Mr. Chairman, I appreciate the anxiety expressed by some opposition members of the committee. They seem to have a problem with the appointment process, not only this appointment but ministerial appointments in general. When our political party was in opposition, we believed that the system was broken and we committed to fixing it. Shortly after the 2006 elections, that is precisely what we attempted to do, and, at the time, we proposed a more open, more public system. We even put forward the name of an eminent Canadian as chair. This eminent Canadian faced an inquisition. Given the fact that the government did not have enough members on the committee, this individual did not get the position. He was not appointed to a position for which he would have received one dollar per year in compensation. The various opposition party members then asked the government to propose somebody else. One could assume that if the government had proposed a candidate, this individual would have been its second choice, or a person of lesser quality than the first choice. We did not engage in this game.

Since then, we have made appointments. At times, we appoint individuals who support the government and, sometimes, people who do not. Naturally, people think that if the government happens to appoint someone that supports its party, it is, by definition, a bad appointment.

I understand that when the vice-chairman of the CRTC was appointed a few weeks ago, the government appointed another individual to the CBC board of directors. This person does not support our political party and must therefore have the necessary qualifications.

This type of criticism is somewhat dubious. Earlier this afternoon there was a type of inquisition that took place and someone presented, as if it were evidence, reports found in the newspaper, heard on the radio or seen on television.

I do not believe that true parliamentarians should conduct themselves in this manner.

Mr. Chairman, I would like to know whether I have a time limit.

• (1725)

**The Chair:** No, there is no limit, but there is a limit to the meeting; it will be ending at 5:30 p.m.

[*English*]

We're going to end debate here, because clearly it's not going to collapse. I'm not going to call a vote. I will set time aside at the next meeting to debate this motion further.

I want to thank our three witnesses. I apologize, but the House takes precedence over this committee when it comes to votes, and members have the right to move motions here, as per the rules.

We appreciate your attendance and thank you for coming.

This meeting is adjourned.

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