

# Legislative Assembly of Alberta

The 28th Legislature First Session

Standing Committee on Legislative Offices

Monday, November 26, 2012 10:01 a.m.

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## Legislative Assembly of Alberta The 28th Legislature First Session

#### **Standing Committee on Legislative Offices**

Xiao, David H., Edmonton-McClung (PC), Chair

McDonald, Everett, Grande Prairie-Smoky (PC), Deputy Chair

Bikman, Gary, Cardston-Taber-Warner (W) Blakeman, Laurie, Edmonton-Centre (AL)

Brown, Dr. Neil, QC, Calgary-Mackay-Nose Hill (PC)

DeLong, Alana, Calgary-Bow (PC)
Eggen, David, Edmonton-Calder (ND)
Leskiw, Genia, Bonnyville-Cold Lake (PC)
Quadri, Sohail, Edmonton-Mill Woods (PC)
Rogers, George, Leduc-Beaumont (PC)
Wilson, Jeff, Calgary-Shaw (W)

## **Legislative Officers**

Jill Clayton Information and Privacy Commissioner

Brian Fjeldheim Chief Electoral Officer
Del Graff Child and Youth Advocate

Peter Hourihan Ombudsman
Merwan Saher Auditor General
Neil R. Wilkinson Ethics Commissioner

## **Support Staff**

W.J. David McNeil Clerk

Robert H. Reynolds, QC Law Clerk/Director of Interparliamentary Relations

Shannon Dean Senior Parliamentary Counsel/

Director of House Services
Philip Massolin
Manager of Research Services
Stephanie LeBlanc
Legal Research Officer
Nancy Zhang
Legislative Research Officer

Nancy Robert Research Officer
Corinne Dacyshyn Committee Clerk
Jody Rempel Committee Clerk
Karen Sawchuk Committee Clerk
Christopher Tyrell Committee Clerk

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**Broadcast Services** 

Jeanette Dotimas Communications Consultant
Tracey Sales Communications Consultant

Liz Sim Managing Editor of Alberta Hansard

#### 10:01 a.m.

Monday, November 26, 2012

[Mr. Xiao in the chair]

**The Chair:** Good morning, ladies and gentlemen. Just for the record let's go around the table and introduce ourselves. I'll start with myself today. David Xiao, Edmonton-McClung, chair of the committee.

Mr. McDonald: Everett McDonald, Grande Prairie-Smoky.

Mr. Quadri: Sohail Quadri, Edmonton-Mill Woods.

Mr. Bikman: Gary Bikman, Cardston-Taber-Warner.

Mr. Wilson: Jeff Wilson, Calgary-Shaw.

Dr. Brown: Neil Brown, Calgary-Mackay-Nose Hill.

**Ms Blakeman:** Laurie Blakeman, and I'd like to welcome you to my slightly foggy but nonetheless lovely winter day in the fabulous constituency of Edmonton-Centre.

**Mrs. Leskiw:** I think I'll outdo you, Laurie. I'm Genia Leskiw, MLA for Bonnyville-Cold Lake, God's country.

Mr. Rogers: George Rogers, Leduc-Beaumont.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Very good. Okay. I'll let David introduce himself.

**Mr. Eggen:** Good morning. This is Dave Eggen, MLA for Edmonton-Calder.

The Chair: Good voice, by the way.

The meeting agenda was circulated to the members late Friday, so we'll be referring to the officers' 2013-2014 budget estimates that were part of our meeting materials this past Friday. For ease of reference we have a set of six budgets in our budget documents, for each member, and these are being distributed now along with the draft motions for the committee's consideration.

Again, a few housekeeping items. You know, don't touch the microphone consoles. They are operated by *Hansard*. Keep your BlackBerry off the table.

I would like to ask an hon. member to move the adoption of the agenda.

Mr. Rogers: So moved, Mr. Chairman.

**The Chair:** Okay. Mr. Rogers. All in favour? Opposed? Carried. Do we need to read the motion for the record? You already withdrew that motion.

**Mr. McDonald:** I withdrew it, but I would like to move it now that we're back in session again, Mr. Chairman. I will read it if it's allowed.

The Chair: Sure. Go ahead.

**Mr. McDonald:** Moved by Everett McDonald that the Standing Committee on Legislative Offices approve the 2013-14 budget estimates of the office of Ombudsman in the amount of \$3,359,000 as submitted.

Thank you, Mr. Chair.

**The Chair:** All in favour. No. Discussion? Sorry, Dr. Brown. It's early morning. Go ahead.

**Dr. Brown:** Thank you, Mr. Chairman. Okay. Going back to where we were at the last meeting here, the amount that they're forecasting to spend in this fiscal year is \$2,379,000. The amount that they're asking for in the coming fiscal year – you look at the line item there; I'm looking at the total personnel line on the budget by object of expenditure – shows \$2,976,000, and that represents a 25.1 per cent increase year over year in the amount that they're spending on personnel.

If you go down to the line where it says total voted operating expenses, the budget for last year was \$3,011,000, and now they're asking for \$3,359,000, which is the amount that the motion is referring to. That represents an 11.6 per cent increase in the budget ask, but if you look at the actual amount that they expended, which is \$2,904,000 in the last year, that's a difference of \$455,000, and that represents a 15.6 per cent increase.

Given those large increases of 13.27 per cent just in the budget on personnel, 25.1 per cent on the actual of personnel to what they're asking for, and the amount that they expended last year, I believe that a 15.6 per cent increase in the overall operating expense is excessive, so I am not in favour of the motion as proposed.

Ms Blakeman: Thanks very much, Dr. Brown. I'd like to speak in favour of the motion. Picking up on Dr. Brown's comments, I want to point out that in the previous year, which is the 2011-12 year, we had an outgoing Ombudsman, who talked about the year's budget that we're in, that he's making comparisons to, and said that he didn't feel it was appropriate since he was outgoing to fill the vacant positions. So he didn't, and they rode therefore as vacant until the new one came in, who filled them, I think, partway through the year or didn't fill them at all.

When he's looking at, you know, what appears to be a huge jump – and, again, he's talking percentages. If we actually talk cash, we're talking \$380,000. This is not \$30 million. This is \$380,000. The reasoning, I think, is quite obvious. If you go to the bottom of the second page, changes to staffing, number of full-time equivalent employees, in 2011-12 they had 25 people. They went down to 23 in the current budget, which is part of why they didn't spend their complete allocation, and they're trying to get back to where they were, which I don't find an outrageous attempt on behalf of the Ombudsman.

I also think we have to be mindful of the service that these six officers of the Legislative Assembly provide to us and to the citizens. This position is the last stop. If people have not been able to get satisfaction from anywhere else, where they feel that there is a systemic problem or a real problem in the system, this is where it gets solved or tossed. I think it's important that that service be provided for people.

The \$380,000 I believe is directly tied to those two missing positions plus the ancillary dollars that always go with staff: a desk, a phone, a computer, the health benefits, the health savings account, and all the rest of that. I would say that this is reasonable. They're not asking for increased salary. They're just trying to get back to where they were because they had a changeover, and they didn't fill the positions that they had last year.

Thank you.

The Chair: Mr. McDonald.

10:10

**Mr. McDonald:** Thank you, Mr. Chair. I totally agree with Laurie. If you read the notes on the second page, there's the justification for it. This is the transparency. These are the people that we ask to marshal, and they are the last stop that we have for ratepayers. As well, they oversee the operations that we have. It's

very important that we make sure that their needs are met. We're talking about transparency in our government, and now we're trying to cut them back. I don't agree with this.

Mr. Wilson: It's what they're asking for.

**Dr. Brown:** It's not cutting back, a 13 per cent increase for them.

**Mr. McDonald:** It's very clear that they didn't fill their positions because of the replacement, and this just gets them back up to capacity, so I will be supporting this.

The Chair: Okay. Mr. Bikman.

**Mr. Bikman:** Yes. I, too, agree with Everett and you, too, Laurie. I thought you did an eloquent job of explaining the reasons why this is so important. Most of the ones we're talking about today are important. They really are. Perhaps we see it more clearly from our side of the House. I'm definitely in favour of this.

The Chair: Okay. Mr. Wilson.

**Mr. Wilson:** Thank you, Mr. Chairman. I would just ask Dr. Brown to look at the very bottom of the second page here, where it suggests that hiring two new full-time employees is an 8.7 per cent increase in and of itself, which means that the overall actual budget increase outside of bringing their staff levels up to what they consider their full complement is only a 2.86 per cent increase. If you are going to focus more on those numbers, then perhaps that will give you some comfort moving forward.

I, too, will be voting in favour of the motion.

**The Chair:** Then we have to call the question.

An Hon. Member: Question.

**The Chair:** Okay. All in favour? Any opposed? Carried. Next I need a motion from the floor for the budget estimates of the office of the Auditor General.

**Mr. Bikman:** I move that

the Standing Committee on Legislative Offices approve the 2013-14 budget estimates for the office of the Auditor General in the amount of \$26,635,000 as submitted.

The Chair: Okay. Discussion?

**Dr. Brown:** I'll speak in favour of this one because it's a 3.8 per cent increase, and I think the Auditor General does do a good job. He's got 16 new projects on the books, and he's got 13 follow-up projects. I think he's got a lot on his plate. I don't see any difficulty with voting that amount.

The Chair: Okay. Mr. Wilson.

**Mr. Wilson:** Thank you, Mr. Chairman. I speak in full support of this. I believe that the Auditor General adds an incredible amount of value to the way our province is run, and I do believe that this is a very reasonable request. I believe it requires and deserves our support.

The Chair: Ms Blakeman.

**Ms Blakeman:** Thank you. Dr. Brown, 2.8 per cent? Did I hear that correctly?

Dr. Brown: Three point eight.

**Ms Blakeman:** Three point eight is \$1,080,000.

Dr. Brown: I know that. Yeah.

**Ms Blakeman:** Just pointing out what happens when you play around with percentages.

Part of what's happening here is also, I think, a recovery of staff in what happened to many different agencies and our constituency offices when there was a grid movement for the staff but no additional funding coming in. I don't think we did give them the money in a lot of cases last year, so they had to cut from somewhere or not fill a position in order to come out okay. He actually came back to us for more money last year, almost a million. Yes? It was almost a million.

**Mr. McDonald:** He said that, yes.

**Ms Blakeman:** Yeah. Okay. I think part of this is that we just keep giving them more things to audit in different ways. This is the one that really competes with the private sector. If they can't get accountants in, they are competing directly with KPMG and all of those other groups, so they're really having to compete hard on salary.

Finally, he is talking about doing some more systems audits, which I find the most helpful audits as a management tool in trying to find out whether we're actually getting value for our dollar. Attest audits are fine, but I find the systems audits are much more helpful in trying to work out whether we're achieving what we said we wanted to achieve.

I'll support this motion.

**The Chair:** Before I ask Mr. Eggen to make comments, I just want to remind all the members that we only have less than an hour to make the decision today, so if you feel that your point has been made, you don't have to speak. Then we can call the question and vote. How's that?

Okay. Mr. Eggen.

Mr. Eggen: Thank you, Mr. Chair. Yes, I certainly am in full support of this budget. But I also just wanted to say very briefly that I would encourage this office to build a compelling case to increase their budget. I know that last year they did have to come back for more monies to fulfill their responsibilities. Considering how much we depend on the Auditor General's office to give us good information about the efficiency of our government spending, I would certainly encourage them to build a case that would have their budget and scope increase next year.

The Chair: Okay. Ms DeLong.

**Ms DeLong:** Thank you very much. I just wanted us to support this motion and mention that the Auditor General in the past has been very careful with their money and actually returned money at the end of the year.

Mr. Bikman: Call the question.

**The Chair:** Can I call the question, then? Okay. All in favour? Any opposed? Carried.

Let's go to the next one. Who would like to move? Mr. Wilson?

**Mr. Wilson:** Sure. I will move that the Standing Committee on Legislative Offices approve the 2013-14 budget estimates of the office of the Chief Electoral Officer in the amount of \$5,683,000 as submitted.

The Chair: Discussion? Mr. Eggen.

**Mr. Eggen:** Yes. Thanks. Well, certainly, I recognize the value of both this office and what this budget represents. Considering what I have learned in the last meeting and so forth, I'm not able to support this budget.

The Chair: Mr. Bikman.

**Mr. Bikman:** Yes. As do I. Given recent events and the likelihood of their continuation, I think that the work that he needs to be able to do needs to be well funded, and he needs our full support. He certainly has mine.

The Chair: Ms Blakeman.

**Ms Blakeman:** Okay. I'm not quite sure why the previous speakers are not supporting it.

Mr. Eggen: No, he is. I'm not.

Ms Blakeman: He is. Okay.

I'm quite concerned about him not adding in the extra administrative costs of the quarterly filings. I guess he can come back to us and do a request for a supplementary supply. But I'm quite surprised that he didn't anticipate that because it was his recommendation. It wasn't his recommendation? Okay. That might be why. So it came from the Justice minister to increase to those quarterly filings, and he agreed it was going to have quite an impact on his budget. I'll support the amount that's there, but he should have been considering what was going to come.

Mr. McDonald: To answer you, I think that you're right. In his comments that wasn't his recommendation, but if the bill passes, then he would have to come back for supply. But I don't agree.

Thank you.

The Chair: Mr. Rogers.

Mr. Rogers: Thanks, Mr. Chairman. I'll be quick. I do want to support this budget. I think this work of this officer is extremely important, as all of them are. You know, I think it would be presumptuous. Whether we think we know this bill is going to pass or not, I can't expect that the officer would come here and ask for a number that assumes that the Legislature will do anything. It is a reality that this committee at some point in the future if the circumstances change, as they may well do, would deal with that at that time. So I'm quite comfortable supporting the budget as proposed.

**The Chair:** Dr. Brown, would you like to say a few more words?

**Dr. Brown:** Thank you, Mr. Chairman. Well, I may have been confused last time. When I asked a question about when the last comparable postelection year was, I was advised that the budget was \$5,926,000. I understood that he was asking for a little bit of an increase over that last time, and this motion is actually a decrease from that time. I thought we were talking about \$6,333,000, which included the amortization expense. However, I stand to be corrected. If somebody is under a different apprehension, I'd like to know about it.

10:20

The Chair: Okay. I would like to call the question. All in favour?

**Dr. Brown:** You're giving them a cut is what I'm saying here.

I'll move an amendment to the motion. I'll move that the amount appropriated for the office of the Chief Electoral Officer for the 2013-14 budget year be \$6,333,000.

**The Chair:** That's including the noncash budget. Okay. Ms DeLong.

**Ms DeLong:** Thank you very much. May I suggest that we just word it such that it's clear that the number we're quoting includes the amortization; in other words, to say \$6,333,000, including the \$650,000 of amortization.

**Dr. Brown:** I have no objection to that.

Mr. Quadri: I think Jeff can amend that motion.

**Mr. Wilson:** There is a motion on the floor.

The Chair: Yeah. There's already a motion on the floor.

Mr. Quadri: What's the motion on the floor now?

**Dr. Brown:** It's an amendment to the motion.

Mr. Quadri: That's what I'm saying. Jeff had a motion.

**The Chair:** Is there any further discussion?

Mr. Wilson: Could we clarify which motion is on the floor?

**The Chair:** Okay. Would you mind reading your motion, then your amendment? We'll just make sure that everybody is on the same page. Can we do that?

**Mr. Wilson:** Sorry, Mr. Chairman. You're asking me to read the motion that I originally moved?

**The Chair:** Yeah. Read your motion, and then Dr. Brown reads his amendment, and then everybody is on the same page because I see some people are confused.

Mr. Wilson: Fair enough. As per the document provided to us, the motion that I had read into the record was that I move that the Standing Committee on Legislative Offices approve the 2013-14 budget estimates of the office of the Chief Electoral Officer in the amount of \$5,683,000 as submitted.

**The Chair:** Dr. Brown, could you read your amendment?

**Dr. Brown:** Okay. My amendment is to substitute the amount provided in the motion for the amount of \$6,333,000, including amortization.

**The Chair:** I would like to call the question. All in favour of the amendment? Okay. Great. The motion is amended.

Now I call the question for the motion. All in favour of the motion as amended? Any opposed? Okay. The amended motion is carried.

The next one is the office of the Ethics Commissioner. Mr. Quadri, would you like to move the motion?

Mr. Quadri: Yeah. I move that

the Standing Committee on Legislative Offices approve the 2013-14 budget estimates of the office of the Ethics Commissioner in the amount of \$967,000 as submitted.

The Chair: Okay. Discussion?

**Mr. Bikman:** I'm not in favour of this motion. I am not in favour of an increase. In fact, I can't see any value that we're currently receiving from the Ethics Commissioner when he fails to act on things that are clearly in violation, so I am against the motion.

The Chair: Okay.

**Mr. Wilson:** I would echo Mr. Bikman's comments and suggest that we amend this to perhaps only cover the mandatory salaries and wages increase because I do believe that without any investigations actually being launched by this office, they are not necessarily providing value.

Thank you.

The Chair: Okay. Any further questions?

I'd like to call the question. All in favour of the motion? Any opposed? Okay. The motion is carried.

The next motion is about the office of the Child and Youth Advocate. Who would like to move the motion?

#### **Mr. Rogers:** I'd like to move that

the Standing Committee on Legislative Offices approve the 2013-14 budget estimates of the office of the Child and Youth Advocate in the amount of \$12,224,000 as submitted.

The Chair: Thank you. Discussion?

Seeing none, I would like to call the question. All in favour of this motion? Any opposed? The motion is carried.

The next one is for the office of the Information and Privacy Commissioner.

Mr. Bikman: Moved by me that

the Standing Committee on Legislative Offices approve the 2013-14 budget estimates of the office of the Information and Privacy Commissioner in the amount \$6,867,000 as submitted.

The Chair: Discussion? Ms Blakeman.

Ms Blakeman: I'll let Dr. Brown go first.

The Chair: You go ahead.

**Ms Blakeman:** Well, it's no secret how important I think the work of this office is in protecting Albertans. This is an area that not many people know very well. It is difficult to grasp it. I am willing to support the request, particularly the request for the capital investments for the disaster recovery, the software licensing, and I think it's particularly important that we do get more of the litigators on stream.

We've moved from the commissioner being the chief litigator in this office. When they got so far behind that they were getting their cases kicked out of court because they hadn't met the deadline that was in the act, they moved to a system where I think they had four people who were adjudicating and carrying cases forward. What we're seeing is that the cases are getting far more complex. They're taking a lot longer to prep for. If they get to court, they're taking way longer in court. I think we have to be very careful about not looking at these numbers and going: well, they've got about the same numbers. It might have even declined, I think. It's the amount of time that they're spending per case and the complexity of it.

I'd think this is really important, that we are on top of this work. It's the only line of defence for Albertans to not have their personal information flying around in a back alley on a thumb drive that is not encrypted. If anything, I would like to see this office doing more public information attempts because people don't get it. They're not encrypting the information, and it's getting out there, and Albertans are being harmed as a result, so I have a lot of support for the ask that's happened out of this office.

**Dr. Brown:** Well, I guess I'll follow suit by saying nice things about the office of the Information and Privacy Commissioner. I'm

not attempting to denigrate in any way the job that they do or the importance thereof. However, the fact remains that over the last two years their budget will have gone up 20 per cent if we approve this. I think that kind of an increase over two years is simply not sustainable. The caseload has actually gone down over the last two years. She's projecting that it may stay the same this time. In response to a question by my colleague from Calgary-Bow she indicated that if she got a 2 per cent increase, the caseload would be reactive, that they would respond to the existing situation.

I'm not suggesting that 2 per cent is the right number, but I think that 9.2 per cent is too large a number. I think something in between those numbers would be a more appropriate thing because a 20 per cent increase over two years is simply not sustainable. It sets a bad example for us here, you know, trying to run our own offices of the Legislative Assembly. I just think it's not setting a good example.

10:30

**Ms Blakeman:** Can we go back, just to make sure, to see what it was before they had the jump? I'm just trying to make sure we didn't end up with the same kind of situation where they've been holding off on getting staff and then sort of recovered, so last year was a recovery year. Instead of looking at it as being two large jumps, it's a recovery and an increase based on the need for more litigators.

**Dr. Brown:** Well, that figure is in there, the budget, going back to 2011-12, Ms. Blakeman. It's there. It shows the personnel costs at the top there: \$4,491,000 in 2011-12, and in '12-13 it goes up marginally to \$5,046,000.

Ms Blakeman: Yeah. That was the jump.

**Dr. Brown:** It wasn't much of a jump. Well, I guess it was over 10 per cent.

The Chair: They're looking at adding two new positions.

**Mr. McDonald:** And she was going to quit contracting. She was bringing some of it in-house.

**Dr. Brown:** Well, as I said, it went up 10 and a half per cent in the previous year, and you add 9.2 per cent compounding into that, so it's over 20 per cent in two years.

**Ms Blakeman:** I'm sorry, Mr. Chair. Her response to the question of: what would you do with less money?

**Dr. Brown:** The 2 per cent? She said that if the caseload remained the same, they would remain in a reactive mode. They would respond to the existing complaints, but they would not be able to . . .

Ms Blakeman: Move forward.

**Dr. Brown:** Move forward.

**Ms Blakeman:** Okay. Well, I'd rather see them move forward, but I'm not feeling the love from the committee.

**Dr. Brown:** I made a note here. She also said that if they got 2 per cent, they would perhaps have to cut back on professional development and travel.

**Ms Blakeman:** In this field I'm not as upset about that as I would be in some other places because this is one of those fields where stuff changes really fast, and you go: wow; I never thought about that. So professional development here is not as shocking as it might be in some other areas.

**The Chair:** When you look at, say, the previous two years, from 2011 and 2012, they had 38 positions, so they had 38 and 38. Then they propose in 2012-13 to add two new positions, and then for the next budget they are proposing to add another two positions, so that's, you know, from 40 to 42. That's basically what it is.

Mr. Bikman.

**Mr. Bikman:** Thank you. Again, the work done here is critical, I think, for holding the government accountable, which I think we are all in favour of. The element of independence is critical optically as well as in reality. I think she did mention, too, that by having some more in-house people, it would have an impact on the things that they had to contract out, so there will be some savings there in that. I seem to recall her saying that those savings could be greater than what she had estimated.

The Chair: Okay. Mr. Wilson.

**Mr. Wilson:** Thank you, Mr. Chairman. A point of clarification as well if I could. Similar to the discussion we had around the Chief Electoral Officer, if you look on the page here, there is an amortization of capital assets line item. You know, if we were to factor that in in the same way that we did with the Chief Electoral Officer, that may actually change the motion. So just hoping for clarification.

**The Chair:** Okay. Any further discussion?

**Mr. Wilson:** Sorry. Is there someone who can clarify whether or not we're voting on the right amount?

**The Chair:** I think we are. That's the amount in the cover letter from the commissioner. They're asking for a total of \$6,867,000, which consists of operating expenses and \$110,000 for capital investment. I think we are working on the right number.

Mr. Wilson: Thank you, Mr. Chair.

**The Chair:** Okay. All in favour of the motion? Any opposed? Carried. Thank you.

Any other business?

Ms Blakeman: When shall we meet again?

**The Chair:** Yeah. That's the question. We all know that we are approaching the holiday season, December and January. I can read that the members probably don't want to have another meeting in these two months, I guess.

**Ms Blakeman:** I think we should be meeting by the end of January because the likelihood that we could be going into session in early February is not off the radar. We have before.

**The Chair:** Yeah. Can we ask the clerk to make some comments here?

**Mrs. Sawchuk:** Thank you, Mr. Chair. We did traditionally meet at the end of January to review the annual reports, which we now are reviewing last year and this year as part of the budget timeline. So that was that meeting.

Ms Blakeman: And when do we have to do the salaries?

**Mrs. Sawchuk:** That doesn't usually happen until April or May, generally speaking. Sometimes we've done it even later.

**Ms Blakeman:** And no sign of anybody leaving? You're saying no sign? Okay. All right. Then I'm fine.

**The Chair:** Then the chair can propose that the next meeting be at the call of the chair?

**Dr. Brown:** Yes. And Mr. Chairman, if I could give you some friendly advice, I would advise you not to call meetings in January. According to the standing orders – and I haven't heard anyone say that we're going to deviate – it's the second Tuesday of February that we're going back, which I believe is the 12th of February. Sometime in the first part of February would be more appropriate than the end of January, I would suggest.

**The Chair:** Yeah. We don't need to have, you know, a meeting in January. Before we decide the next meeting, we will circulate the dates to the members, then we will decide the date in a democratic way. Okay?

I call for a motion to adjourn the meeting.

Mr. McDonald: So moved, Mr. Chairman.

The Chair: All in favour? Oh, sorry.

Mr. Bikman: We've got an issue here. There seems to be some internal inconsistencies. The point that Jeff made was that in comparing these lines, we added this in: noncash expense. So total voted and nonvoted expenses was this, but on the office of the Information and Privacy Commissioner you've got amortization, which we did not add in. We voted on this, but it didn't include this

**Dr. Brown:** Mr. Chairman, I would suggest that since we put including amortization in the motion, if it's just a paper number, then it wouldn't make any difference.

**The Chair:** Okay. We voted on specific offices, so that's okay. The meeting is adjourned. Thank you.

[The committee adjourned at 10:39 a.m.]