



Examination of Senator Brazeau's Primary and Secondary Residence Status

The Senate of Canada



May 2013

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1. Background

1.1. Background

The Senate of Canada recognizes that travel is a necessary component of senators' parliamentary functions. Parliamentary functions are typically carried out in Ottawa and senators must travel to and from their primary residences in order to attend Senate sittings and committee meetings. Parliamentary functions are also carried out in senators' regions and, from time-to-time, senators may be required to travel to other locations, both within Canada and internationally, in the service of the Senate. Senators who come to Ottawa to carry out their parliamentary functions and who are more than 100 kilometres from their primary residence when in Ottawa are on travel status in the National Capital Region ("NCR") and are entitled to be reimbursed for living expenses in the NCR. Senators claim their office and travel expenses in compliance with the *Parliament of Canada Act* and internal rules and policies of the Senate.

Following media reports with respect to Senator Patrick Brazeau's ("Senator Brazeau") claims for a living allowance in the NCR, the Senate appointed a bipartisan subcommittee on November 22, 2012, comprised of three members and chaired by Senator Marshall, to inquire into and report on all matters relating to living allowances in the NCR related to Senator Brazeau.

1.2. Retainer

2. Summary of findings

2.1. Framework and guidelines related to Senators' residency and allowances

1. Senators, whose "primary residence" is located more than 100 kilometres from the NCR, are entitled to a reimbursement of travel expenses, and a reimbursement of living expenses, while in

3. Scope, Limitations in Scope and Restrictions

3.1. Scope

As part of our examination, we performed the following:

- 1) We examined the documentation compiled by the Senate Internal Audit and Strategic Planning group. This documentation included the following:
 - a) Declarations of qualification,
 - b) Declarations of primary and secondary residences,
 - c) Residential lease for declared secondary residence (in the NCR),
 - d) Living expense claims,
 - e) Financial travel calendar,
 - f) Travel expense report (64 points travel system),
 - g) Travel expense claims,
 - h) Designated travellers and dependent children annual declaration
 - i) Cellular phone detailed invoices,
 - j) Attendance reports and sick leave documentation, and
 - k) Corporate AMEX credit card statements.
- 2) We examined the documentation provided by Senator Brazeau. This documentation included the following:
 - a) Bank account #1 account history reports, for the period of April 1, 2011 to August 14, 2012,
 - b) Bank account #2 account activity – historical detail reports, for the period of April 13, 2012 to September 30, 2012, and
 - c) Personal income tax return for 2011.
- 3) We had discussions or conducted interviews with the following individuals:
 - a) Senator Patrick Brazeau,
 - b) Senator Brazeau's external counsel

- c) Jill Anne Joseph, Director Internal Audit and Strategic Planning, Senate of Canada, and
- d) Nicole Proulx, Director of Finance, and Bonnie Marga, DCFO/Comptroller, Senate of Canada.

3.2. Limitations in Scope

Our examination was based on available documentation collected in the course of our examination and the interviews we conducted as set out under the “Scope” section above. To the extent that we receive additional information, our findings herein may require revisions.

3.3. Restrictions

We reserve the right, but will be under no obligation, to review this report, and if we consider it necessary, to revise our report in light of any information, which becomes known to us after the date of this report.

3.3.1. Procedures Do Not Constitute an Audit of Financial Statements

An audit is generally performed with the objective of providing reasonable assurance that financial statements are free from material error whereas a forensic examination utilizes accounting and investigative techniques to provide an analysis related to issues and questions that have arisen.

Deloitte was not engaged to, and did not perform a financial statement audit, review or compilation for the purpose of expressing an opinion on historical financial statements in accordance with standards established by the Canadian Institute of Chartered Accountants (“CICA”). Accordingly, Deloitte does not

The *Senate Administrative Rules* govern Senate administrative practice. They complement and are of equal authority to the *Rules of the Senate*, which govern Senate procedure. In the interests of good governance, the administrative rules codify comprehensively the fundamental principles and rules governing the internal administration of the Senate and its allocation and use of resources.

The *Senate Administrative Rules* are subject to statute law that applies to the Senate. Of particular note are the *Constitution Acts, 1867 and 1982*, the *Parliament of Canada Act*, the *Members of Parliament Retiring Allowances Act* and the *Parliamentary Employment and Staff Relations Act*.

The *Senate Administrative Rules* are supplemented by policies, guidelines, opinion, directives, forms and practices adopted or implemented by the Senate, the Standing Committee on Internal Economy, Budgets and Administration and the Clerk of the Senate.

The Internal Economy Committee is responsible for the administration of the *Senate Administrative Rules*

	Source	April 1, 2011 to June 4, 2012	June 5, 2012 to September 30, 2012
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be reimbursed for the expenses incurred by them that are allowed under these terms and conditions. These guidelines apply to senators only and to expenses incurred by a senator only.

Claimable living expenses

	Source	April 1, 2011 to June 4, 2012	June 5, 2012 to September 30, 2012
Living Expenses in the NCR	SARs 4:03 (14-15) Senators' Travel Policy 2.11	<p>A Senator on travel status in the National Capital Region is entitled to claim the following in respect of accommodation expenses:</p> <p>(a) reimbursement for the receipted cost of hotel or other commercial accommodation incurred by the Senator, up to the maximum daily amount set by finance rule;</p> <p>(b) reimbursement for the receipted cost of rented or leased accommodation incurred by the Senator; or</p> <p>(c) an allowance in respect of private accommodation used by the Senator in an amount set by finance rule.</p>	<p>Senators who are more than 100 kilometres from their primary residence when they come to the NCR to carry out their parliamentary functions are on travel status and shall be reimbursed for living expenses. The total reimbursement per fiscal year shall not exceed the maximum established by the Committee.</p> <p>Given the frequent and relatively long-term nature of senators' visits to the NCR, the provisions for living expenses differ somewhat from those allowed under other travel circumstances. Furthermore, living expenses incurred in the NCR are funded from a separate budget set aside for this purpose and are therefore exempt from the point system.</p>

4.2.3. Allowed Costs (Mileage, Accommodation, Per Diem)

The costs allowed during the period of our examination were as follows:

Mileage

The Travel Guidelines and the Travel Policy provide that, when the mode of transportation is by automobile, a claim for distance travelled shall be calculated at 55 cents per kilometre. This rate remained constant throughout the period of our examination.

Accommodation and Per Diem

The provisions for accommodation and per diem expenses are discussed below

	Source	April 1, 2011 to June 4, 2012	June 5, 2012 to September 30, 2012
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Commercial Accommodation in the NCR

The daily rate for Private Accommodation in the NCR during the period of our examination was initially \$28.00, which was increased on December 15, 2011 to \$29.28. The daily rate for meals and incidental

5. Assessment of the Location of Senator Brazeau's Primary Residence

5.1. Declarations and Claims Made by Senator Brazeau

The following declarations were made by Senator Brazeau regarding his primary and secondary residences during the period of our examination:

Table 2: Summary of Senator Brazeau's Primary and Secondary Residence Declarations²

Date of Senator's Declaration	Period Covered	Primary Residence	Secondary Residence (in the NCR)
March 3, 2011	April 1, 2011 to March 31, 2012	Maniwaki, Quebec	No secondary residence identified
April 11, 2011	April 1, 2011 to March 31, 2012	Maniwaki, Quebec	Gatineau, Quebec (name of landlord and copy of lease provided)
March 14, 2012	April 1, 2012 to March 31, 2013	Maniwaki, Quebec	Gatineau, Quebec (name of landlord and copy of lease provided)

We understand the April 11, 2011 declaration was prepared by Senator Brazeau as a result of signing a 27-month lease for the Gatineau property on March 25, 2011, for the period March 28, 2011 to June 30, 2013.

The following claims for reimbursement of travel, accommodation and per diems were made, in respect of living allowances in the NCR were made during the period of our examination:

² Due to privacy concerns, only the city, town or village location has been included in the table. The detailed location information was included in the declaration forms.

Table 3: Summary of Senator Brazeau’s Living Allowances in the NCR

Category of Travel Expenditure	April 1, 2011 to March 31, 2012	April 1, 2012 to Sep. 30, 2012	Total
Number of claims submitted	29	14	43
Private accommodation	\$21,233	\$10,500	\$31,733
Meals and incidentals (per diem)	\$0	\$0	\$0
Vehicle mileage	\$1,936	\$950	\$2,886
Total	\$23,169	\$11,450	\$34,619

Senator Brazeau’s travel expense claims consist of claims for private accommodation in the NCR (for leasing the Gatineau property), and vehicle mileage for travel between his declared primary residence Maniwaki and Ottawa/Gatineau.

5.2. Considerations of Primary Residency

The only definition of primary residency in the documentation we reviewed is found in the Senators’ Travel Policy which was effective June 5, 2012. It is defined therein as:

“the residence identified by the senator as his/her malen4.4(s)1len4.4(s)1len415.6(l)-17.1(1,)15.6(201)32ienae40.

Table 4: Senator Brazeau’s Primary Residence “Indicators”

Indicator	Indicator Met / Not Met
Driver’s license	Met – located in Maniwaki, although not the declared primary residence
Provincial Health Card	Met – but Quebec health cards do not include an address
Income Tax Return	Met
Signed Statement re: voting	Met – as Maniwaki appears to be in these two electoral ridings.

Senator Brazeau appears to have met the four (4) indicators used by Standing Committee to determine whether senators have met the primary residence test.

5.2.2. Senator Brazeau’s Travel Patterns

In addition to the primary residence “indicators”, we have collected and reviewed other information which could assist in the determination of the location of Senator Brazeau’s primary residence. The information was reviewed in order to establish where Senator Brazeau was located during the period of our examination, consisting of the 549 days from April 1, 2011 to September 30, 2012.

5.2.2.1 Documents Relied Upon

Senate Attendance Register

The Senate Attendance Register provided a list of days when the Senate was sitting, the attendance record of Senator Brazeau for Senate business and public business, as well as the days when Senator Brazeau attended Senate committee meetings.

Travel Claims

Senator Brazeau’s travel claims were reviewed as they provide information for the days for which per diem amounts were claimed by Senator Brazeau for senate business. Senator Brazeau indicated that per

In addition, we have presented below the same assessment on a monthly basis for each category. This provides additional information regarding potential trends, patterns and seasonality of Senator Brazeau's travels.

Table 7: Monthly Detail of Senator Brazeau's Location

Period	Ottawa Senate Business	Other location Senate Business	Ottawa, before/after Senate Business	Ottawa, activity undocumented	Primary Residence	Other location, activity undocumented	Unknown	Total	Primary Residence (Day Trips)*
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day and a maximum of eight (8) days per month spent in the Maniwaki area (including day trips) during the period of our examination.

Other Locations

Senator Brazeau was located outside of the Ottawa/Gatineau and Maniwaki area for twelve (12) days, nine (9) of which were in Montreal.

Unknown

We have not been able to determine a location for twenty-seven (27) days. We asked Senator Brazeau for additional information but he was not able to provide information that would confirm his location on those specific days.

6. Assessment of Senator Brazeau Travel Expense Claims

6.1. Nature of Maniwaki-Ottawa/Gatineau claims

The majority of Senator Brazeau's travel claims are for travel from Maniwaki to Ottawa and returning to Maniwaki. The travel claims are for mileage only, and do not include any per diem amount for meals and incidentals.

The claims indicate a single date of travel between Senator Brazeau's declared primary residence in Maniwaki and Ottawa/Gatineau. Based on our examination, it appears that the actual travel date may be within one day of the indicated travel date. The period of travel can also vary from a return trip within the same day, to a multi-night stay at the declared primary residence.

In addition, Senator Brazeau has not claimed for all of his travel between Maniwaki and Ottawa/Gatineau. As an example, claim (T64-21928) is for travel from Ottawa to Maniwaki on April 13, 2012. Supporting transactions confirm Senator Brazeau being in the Maniwaki area on April 14, 2012. The following claim (T64-21932) is from travel from Maniwaki to Ottawa on April 23, 2012. Supporting transactions confirm Senator Brazeau being in the Maniwaki area on April 23, 2012. Senator Brazeau was confirmed as being in the Ottawa/Gatineau area between April 15 and April 21, 2012, confirming his claim that he also travels between Maniwaki and Ottawa/Gatineau without claiming travel expenses from the Senate. In total, we identified twenty-five (25) trips between Maniwaki and Ottawa/Gatineau where no reimbursement was claimed from the Senate.

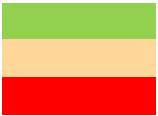
6.2. Occurrence of travel

We have reviewed Senator Brazeau's claims related to travel from his declared primary residence and Ottawa/Gatineau to, assess whether these trips occurred or could have occurred. We have presented a summary of our assessment in the following table:

Table 8: Likelihood of Travel Assessment

	Number of Trips
Trips with confirmed location in Maniwaki area	11
Unconfirmed trips with no transaction on previous day	8

Schedule 1 – Summary of Senator Brazeau’s Location



The Senate of Canada
Summary of the Location of Senator Patrick Brazeau
For the Period April 1, 2011 to September 30, 2012



Ottawa

Date Day

The Senate of Canada
 Summary of the Location of Senator Patrick Brazeau
 For the Period April 1, 2011 to September 30, 2012

Confirmed
 Likely
 Unconfirmed

Date	Day	Ottawa Senate Business (including per diem)	Ottawa/Gatineau activity undocumented	Primary Residence	Primary Residence Day Trip	Other location Senate business	Other location activity undocumented	Unknown
01 Aug 11	Mon			Confirmed				
02 Aug 11	Tue		Confirmed					
03 Aug 11	Wed			Confirmed				
04 Aug 11	Thu			Likely				
05 Aug 11	Fri			Confirmed				
06 Aug 11	Sat		Confirmed					
07 Aug 11	Sun							Unconfirmed
08 Aug 11	Mon							Unconfirmed
09 Aug 11	Tue		Confirmed					
10 Aug 11	Wed							Unconfirmed
11 Aug 11	Thu							Unconfirmed
12 Aug 11	Fri							Unconfirmed
13 Aug 11	Sat		Confirmed					
14 Aug 11	Sun		Likely					
15 Aug 11	Mon		Confirmed					
16 Aug 11	Tue		Confirmed					
17 Aug 11	Wed		Confirmed					
18 Aug 11	Thu		Confirmed					
19 Aug 11	Fri			Confirmed				
20 Aug 11	Sat			Likely				
21 Aug 11	Sun			Likely				
22 Aug 11	Mon			Confirmed				
23 Aug 11	Tue		Confirmed					
24 Aug 11	Wed		Confirmed					
25 Aug 11	Thu		Confirmed					
26 Aug 11	Fri					Confirmed		
27 Aug 11	Sat					Confirmed		
28 Aug 11	Sun					Confirmed		
29 Aug 11	Mon	Confirmed						
30 Aug 11	Tue		Confirmed					
31 Aug 11	Wed		Confirmed					
		1	14	8	0	3	0	5

The Senate of Canada
Summary of the Location of Senator Patrick Brazeau
For the Period April 1, 2011 to September 30, 2012

Confirmed
Likely
Unconfirmed

Date	Day	Ottawa Senate Business (including per diem)	Ottawa/Gatineau activity undocumented	Primary Residence	Primary Residence Day Trip	Other location Senate business	Other location activity undocumented	Unknown
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Date	Day	Ottawa Senate Business (including per diem)	Ottawa/Gatineau activity undocumented	Primary Residence	Primary Residence Day Trip	Other location Senate business	Other location activity undocumented	Unknown
01 Oct 11	Sat		Confirmed					
02 Oct 11	Sun		Confirmed					
03 Oct 11	Mon	Confirmed						
04 Oct 11	Tue	Confirmed						
05 Oct 11	Wed		Confirmed					
06 Oct 11	Thu		Confirmed					
07 Oct 11	Fri		Confirmed					
08 Oct 11	Sat		Confirmed					
09 Oct 11	Sun		Confirmed					
10 Oct 11	Mon		Confirmed					
11 Oct 11	Tue		Confirmed					
12 Oct 11	Wed		Confirmed					
13 Oct 11	Thu		Confirmed		Confirmed			
14 Oct 11	Fri		Confirmed					
15 Oct 11	Sat		Confirmed					
16 Oct 11	Sun		Confirmed					
17 Oct 11	Mon		Confirmed					
18 Oct 11	Tue	Confirmed						
19 Oct 11	Wed	Confirmed						
20 Oct 11	Thu	Confirmed						
21 Oct 11	Fri			Confirmed				
22 Oct 11	Sat			Likely				
23 Oct 11	Sun			Confirmed				
24 Oct 11	Mon	Confirmed						
25 Oct 11	Tue	Confirmed						
26 Oct 11	Wed		Confirmed					
27 Oct 11	Thu		Confirmed					
28 Oct 11	Fri		Confirmed					
29 Oct 11	Sat		Likely					
30 Oct 11	Sun		Confirmed					
31 Oct 11	Mon		Confirmed					
		7	21	3	1	0	0	0

The Senate of Canada
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 Unconfirmed

Date	Day	Ottawa Senate Business (including per diem)	Ottawa/Gatineau activity undocumented	Primary Residence	Primary Residence Day Trip	Other location Senate business	Other location activity undocumented	Unknown
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For the Period April 1, 2011 to September 30, 2012

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Likely
Unconfirmed

Date	Day	Ottawa Senate Business (including per diem)	Ottawa/ Gatineau activity undocumented	Primary Residence	Primary Residence Day TripQ
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Likely
Unconfirmed

Date	Day	Ottawa Senate Business (including per diem)	Ottawa/Gatineau activity undocumented	Primary Residence	Primary Residence Day Trip	Other location Senate business	Other location activity undocumented	Unknown
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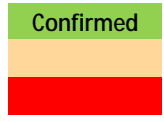
01 Mar 12	Thu	Confirmed						
02 Mar 12	Fri		Confirmed					
03 Mar 12	Sat		Confirmed					
04 Mar 12	Sun		Likely					
05 Mar 12	Mon	Confirmed						
06 Mar 12	Tue	Confirmed						
07 Mar 12	Wed		Confirmed					
08 Mar 12	Thu		Confirmed					
09 Mar 12	Fri		Confirmed					
10 Mar 12	Sat		Confirmed					
11 Mar 12	Sun		Likely					
12 Mar 12	Mon	Confirmed						
13 Mar 12	Tue	Confirmed						
14 Mar 12	Wed	Confirmed						
15 Mar 12	Thu	Confirmed						
16 Mar 12	Fri		Confirmed					
17 Mar 12	Sat		Confirmed					
18 Mar 12	Sun		Confirmed					
19 Mar 12	Mon		Confirmed					
20 Mar 12	Tue		Confirmed					
21 Mar 12	Wed		Confirmed					
22 Mar 12	Thu		Confirmed					
23 Mar 12	Fri		Confirmed	Mar 12 Sat				
		Confirmed						
			Confirmed					

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Date	Day	Ottawa Senate Business (including per diem)	Ottawa/Gatineau activity undocumented	Primary Residence	Primary Residence Day Trip	Other location Senate business	Other location activity undocumented	Unknown
01 Apr 12	Sun		Confirmed					
02 Apr 12	Mon	Confirmed						
03 Apr 12	Tue	Confirmed						
04 Apr 12	Wed	Confirmed						
05 Apr 12	Thu		Confirmed					
06 Apr 12	Fri		Likely					
07 Apr 12	Sat		Confirmed					
08 Apr 12	Sun							Unconfirmed
09 Apr 12	Mon							Unconfirmed
10 Apr 12	Tue		Confirmed					
11 Apr 12	Wed		Confirmed					
12 Apr 12	Thu		Confirmed					
13 Apr 12	Fri			Confirmed				
14 Apr 12	Sat		Confirmed					
15 Apr 12	Sun		Confirmed					
16 Apr 12	Mon		Confirmed					
17 Apr 12	Tue		Confirmed					
18 Apr 12	Wed		Confirmed					
19 Apr 12	Thu		Likely					
20 Apr 12	Fri		Confirmed					
21 Apr 12	Sat		Confirmed					
21 Apr 12	Sat		Likely					
23 Apr 12	Mon		Confirmed					
24 Apr 12	Tue	Confirmed						
25 Apr 12	Wed	Confirmed						
26 Apr 12	Thu	Confirmed						
27 Apr 12	Fri		Confirmed					
28 Apr 12	Sat		Likely					
29 Apr 12	Sun		Confirmed					
30 Apr 12	Mon		Confirmed					
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The Senate of Canada
Summary of the



The Senate of Canada
 Summary of the Location of Senator Patrick Brazeau
 For the Period April 1, 2011 to September 30, 2012

Confirmed
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 Unconfirmed

Date	Day	Ottawa Senate Business (including per diem)	Ottawa/Gatineau activity undocumented	Primary Residence	Primary Residence Day Trip	Other location Senate business	Other location activity undocumented	Unknown
01 Jul 12	Sun				Likely			
02 Jul 12	Mon			Confirmed				
03 Jul 12	Tue			Confirmed				
04 Jul 12	Wed			Confirmed				
05 Jul 12	Thu		Confirmed					
06 Jul 12	Fri		Confirmed					
07 Jul 12	Sat		Confirmed					
08 Jul 12	Sun							
09 Jul 12	Mon		Confirmed					
10 Jul 12	Tue		Confirmed					
11 Jul 12	Wed		Confirmed					
12 Jul 12	Thu		Confirmed					
13 Jul 12	Fri		Confirmed					
14 Jul 12	Sat							Unconfirmed
15 Jul 12	Sun							Unconfirmed
16 Jul 12	Mon		Confirmed					
17 Jul 12	Tue		Confirmed					
18 Jul 12	Wed			Confirmed				
19 Jul 12	Thu			Confirmed				
20 Jul 12	Fri			Confirmed				
21 Jul 12	Sat		Confirmed					
22 Jul 12	Sun		Confirmed					
23 Jul 12	Mon		Confirmed					
24 Jul 12	Tue		Confirmed					
25 Jul 12	Wed		Confirmed					
26 Jul 12	Thu		Confirmed					
27 Jul 12	Fri		Confirmed					
28 Jul 12	Sat			Confirmed				
29 Jul 12	Sun							Unconfirmed
30 Jul 12	Mon							Unconfirmed
31 Jul 12	Tue							Unconfirmed
		0	18	8	0	0	0	5

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12 Aug 12	Sun		Confirmed					
13 Aug 12	Mon		Confirmed					
14 Aug 12	Tue		Confirmed					
15 Aug 12	Wed		Confirmed					
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21 Aug 12	Tue		Confirmed					
22 Aug 12	Wed		Confirmed					
23 Aug 12	Thu		Confirmed					
24 Aug 12	Fri						Confirmed	
25 Aug 12	Sat							Unconfirmed
26 Aug 12	Sun			Confirmed				
27 Aug 12	Mon		Confirmed					
28 Aug 12	Tue		Confirmed					
29 Aug 12	Wed		Confirmed					
30 Aug 12	Thu		Confirmed					
31 Aug 12	Fri		Confirmed					
		0	28	1	0	0	1	1

The Senate of Canada
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 Likely
 Unconfirmed

Date	Day	Ottawa Senate Business (including per diem)	Ottawa/Gatineau activity undocumented	Primary Residence	Primary Residence Day Trip	Other location Senate business	Other location activity undocumented	Unknown location
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Likely
 Confirmed
 Unconfirmed

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Senate Business

