



Province of the
EASTERN CAPE

**COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS**

Ref: S9/4

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**TO: DEPUTY DIRECTORS-GENERAL
GENERAL MANAGERS
SENIOR MANAGERS
ALL EMPLOYEES**

DEPARTMENTAL LABOUR RELATIONS CIRCULAR NO.1 OF 2016
PREVENTION OF FRAUDULENT FUEL CLAIMS

This circular serves as a warning to all COGTA employees at all levels of authority to refrain from abusing fuel claims. It has been noticed with great concern that COGTA employees including members of the Senior Management Services have a tendency of submitting fraudulent fuel claims. The department as an employer views such a practice as a serious misconduct that might lead to dismissal from the public service if one is found guilty in a disciplinary hearing. The abuse of fuel claims is construed as an act of fraud.

THE LEGAL DEFINITION OF FRAUD:

Fraud is defined as the unlawful making of a misrepresentation, with intent to defraud, which causes actual prejudice or which is potentially prejudicial to the employer. Fraud is commonly understood as dishonesty calculated for advantage.

Fraud consists of five separate elements:

- A false statement (misrepresentation) of a material fact.
- Knowledge on the part of employee that the statement is untrue.
- Intent on the part of the employee to deceive the alleged victim (the employer).
- Justifiable reliance by the alleged victim (the employer) on the statement.
- Injury (loss of money) to the alleged victim (the employer) as a result.

AN APPROPRIATE DISCIPLINARY SANCTION:

When committed by an employee, fraud not only constitutes a criminal offence, but also invariably justifies dismissal.

N.C. HACKULA

HEAD OF DEPARTMENT: EC COGTA

DATE: 2016/08/02



Ikamva eliquqambileyo!