



## **BAKWENA BA MOGOPA TRADITIONAL COUNCIL**

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**Document compiled from:** **01 May 2016**

**Document completed on:** **23 May 2016**

**Document adopted by council and amended on:** **June 2016**

**Document compiled by:** **Secretary -Bakwena Ba Mogopa Traditional Council (Mashigo L)**

**Document name:** **Gross Irregularities Dossier on Governance, Finance & Community Matters**

**Reason for the report:** **Operations and accounting**

**To:** **1. Bakwena Ba Mogopa Traditional Council**

**Submitted on:** **24<sup>th</sup> May 2016**

**2. Kgosi Tebogo Reneilwe Motheo Mamogale**

**3. Bakwena Ba Mogopa Royal Family**

**4. District Office & Director Madibeng/Mafikeng CATA**

**5. MEC – CATA**

**6. North West House of Traditional Leaders**

**7. Premier Mahumapelo – Northwest Provincial Government**

**8. SAPS**

**9. Executive Manager – Bakwena Ba Mogopa**

**Re: Dossier Governance, Finance & Community Matters**

The Dossier should be circulated to all identified responded before or on the **30<sup>th</sup> May 2016**

All parties should respond to all issues raised herein before the **30<sup>th</sup> June 2016**, other issues identified to be responded to must also be noted.

**The Final Report in terms of this Dossier** should be compiled before or on the **30<sup>th</sup> July 2016** and be submitted to **Secretary of Council** for final draft and compilation.

All stakeholders should be invited when report is presented to the **Community** on the **06<sup>th</sup> August 2016** by the **Secretary and Traditional Council**

**Dear Sir/Madam;**

**This document is compiled by the Bakwena Ba Mogopa Traditional Council – Mashigo L**

**The reason for draft and compiling the document is based on numerous reasons that are and not limiting to,**

1. community concerns raised in different meetings as captured since July 2015 to date,
2. inability of kgosi to provide Traditional Council with all required information, assets and documents,
3. failure of Royal Family to attend to concerns raised against kgosi by different forums,
4. the state of affairs that reflect bankruptcy of the community
5. sabotages against the Traditional Council by his majesty kgosi
6. Disclosing of mal-administration, corruption, criminal activities, scheming and un-accounting of officials holding position of Trusts

All the above parties from **1-9** are to respond to this document on or before **30<sup>th</sup> June 2016** and must be submitted to the author (**Secretary of Council**) and noting that deliberations will also be done in his presence in council, therefore this must be led from council.

Final documents shall be drafted and made public by the **29<sup>th</sup> July 2016** for all parties and shall be presented to the community on the **6<sup>th</sup> August 2016 in Bethanie, kgosi** in council is to facilitate such a meeting immediately after receiving this document.

The following **assessment** should be responded to as stipulated above and other parties are to advice on their position on the matters of interest;

**The Traditional Council** must also avail the team within council to work with the **Secretary** to respond and do final document that will also be recognised as **Internal Audit Report** to be led by the **Secretary – L Mashigo** from this report before or on the **25<sup>th</sup> May 2016**.

## **1. The Traditional Council and brief Background**

The formation of the **Traditional Council** was reported in the **November 2015** community meeting; subsequently the letter dated **17<sup>th</sup> April 2016** was written to the **Premier** to **Publish** the **Gazette** where all the names of our **Bakwena Council** will be reflecting;

To this effect, the traditional council has had meetings and was also inducted when it came into effect. The induction took place at **Madibeng Municipality** where other communities were involved.

It is also imperative to have the Premier, or perhaps the MEC and the **Director of Culture, Arts & Traditional Affairs** to confirm the date of when was the **Traditional Council** effected and when will the term lapse. This should be done immediately, or before the end of **May 2016**.

The democratic process was done and finalised, and the **60%** was not done correctly in terms of guideline, however after serious pressure which was put by the then committee which made these processes to happen, from the **25<sup>th</sup> July 2016** meeting, **kgosi** succumbed to the pressure and wrongfully appointed his part which is comprising mostly of members of the **Royal Family**.

Appointments that were done by kgosi were also questioned in all community meetings;

Council have also learned that **kgosi** objected to the **40%** that was nominated and elected democratically.

On **23<sup>rd</sup> April 2016**, a meeting also reported that it is a fact is that the **Bakwena Ba Mogopa Traditional Council** is divided;

**Kgosi is in breach of Section 27 (1-3) of the NWTLGA of 2002 see below:**

***Code of conduct and breach of the code***

27. (1) *The code of conduct contained in the Schedule II applies to a kgosi/ kgosigadi or kgosana and a traditional council.*
- (2) *Whenever there is reasonable suspicion that a traditional leader has breached any provision of the code of conduct, the Premier may charge him or her in writing with such alleged breach and may appoint a suitable person to conduct an enquiry of the alleged breach in line with the provisions of the code.*
- (3) *A kgosi/ kgosigadi or kgosana who is suspended from his or her office for the alleged breach of a provision of the code of conduct as contemplated in Schedule II is not entitled or competent to exercise and perform any function conferred or imposed*

***Schedule II***

***CODE OF CONDUCT***

***1. A traditional leader—***

- (a) *must perform the functions allocated to him or her in good faith, diligently, honestly and in a transparent manner;*
- (b) *must fulfil his or her role in an efficient manner;*
- (c) *may not conduct himself or herself in an improper or unbecoming manner;*
- (d) *must comply with any applicable legislation;*
- (e) *must act in the best interest of the traditional community or communities he or she serves;*
- (f) *must promote unity amongst traditional communities;*
- (g) *may not embark on actions that would create division within or amongst traditional communities;*
- (h) *must promote nation building;*
- (i) *may not refuse to provide any service to a person based on political or ideological grounds;*
- (j) *must promote the ideals of co-operative governance, integrated development planning, sustainable development and service delivery;*
- (k) *must foster good relations with the organs of state with whom he or she interacts;*
- (l) *must promote the principles of a democratic and open society; and*
- (m) *must disclose gifts received.*

**2. A traditional council must—**

- (a) perform the functions allocated to it in good faith, diligently, honestly and in a transparent manner;
- (b) execute its duties in an efficient manner;
- (c) comply with any applicable legislation;
- (d) act in the best interest of the traditional community it serves;
- (e) give effect to the principles governing public administration set out in section 195 of the Constitution;
- (f) must promote the ideals of co-operative governance, integrated development planning, sustainable development and service delivery; and
- (g) foster good relations with the organs of state with whom it interacts.

**When we proceed with this document, we will be demonstrating that the actions of kgosi are nothing but contrary to what are defined in the law. It is also impossible to reflect all transgressions done by him as there are too many, however this should also be adopted as a foundation to force for accountability from all who represent our community.**

We must also put on record that the **Royal Family** is seen by some of the community members to be the one at fault of everything that is happening, since most of them benefitted from the expenditure incurred in the corrupt leadership from since **kgosi** was recognised, as a result the situation is still proceeding as it was as **The Royal Family** is unable to manage **kgosi** as they should. This matter is also evident from the community meetings held from **July 2015** to date, that members of the community have recorded their concerns on their involvement in the administration and failures to attend to complaints laid against **kgosi**.

**Bo-Rangwane**, as they are referred to, seems to be the most problematic since the community knows that they are not supposed to be involved in the matters of governance in all angles, however, since **kgosi** was recognised; they were always at the forefront and consistently misleading and manipulating council. **Bo-Rangwane** are the source of problems experienced by the greater community and this matter shall be referred to once it is challenged. For the record, the referred **Bo-Rangwane** are from the second house of the late **kgosi Lerothodi Mamogale** and since the history of the traditional leadership of this community, the second house has never been involved in matters of chieftaincy until recently where they are being seen as the center of the administration problems where **kgosi Motheo Mamogale** is vastly failing. In the community meeting, where **kgosi** left with no apology logged, and where he arrived late, **bo-rangwane** were there to proceed with their manipulations and they advised **kgosi** to leave before signing resolutions. **Mamogale Dinatsotlhe** has also presented to council that he have seen documents from **kgosi** and that such documents shall be submitted, to date such documents are not submitted, this simply means that he was intentionally misleading council on the matter. Same is confirmed by council members that **bo-rangwane** are at the center of unlawful council meetings that are held in **Brits** by **kgosi's** allies who are at the mission to mislead, destabilise and derail council from its constitutional and legislative duties. The following councillors are also identified to be attending such meetings, **Councillor Segwe, Moleboge Mamogale, Beutus Poho and Kabelo Masike**. Other council members may bear testimony and this matter should be articulated in council for formal adoption.

On the **23<sup>rd</sup> April 2016** community meeting, **kgosi** arrived late while the meeting was proceeding and **bo-rangwane** were with him. In his community address, after he was forced to speak for himself, he (**kgosi**) also accepted that he was misled and milked by those who surround him, and noting some community

members, **bo-rangwane** are identified as party to that. Apart from addressing what really happened, **kgosi** lied and misled the community.

This meeting in the above referred par, could have been held in **March 2016** as per agreement made in the **November 2015** general community meeting, however, it couldn't have happened as **kgosi** was unable to call it because of his acts of sabotages against council proceedings. **Kgosi** have since **November 2015** attended not more than **three (3)** council meetings.

## 2. The Law and Governance

- We are governed and are a legislated structure, please refer below:

In terms of the **Northwest Traditional Leadership and Governance Act 2 of 2005**

### *Functions of Traditional Council*

9. (1) The traditional council of any traditional community, shall subject to the provisions of this Act, the Constitution and/or any other law -
- (a) administer the affairs of the traditional community in accordance with customs and tradition, and perform such other functions conferred by customary law and customs, consistent with statutory law and the Constitution;
  - (b) promote the interest, advancement and well-being of members of the traditional community;
  - (c) subject to the provisions under this Act, administer the finances of the traditional community;
  - (d) perform such roles and functions as may be delegated or assigned to it by or under any law;
  - (e) assist, support and guide traditional leaders in the performance of their functions;
  - (f) support municipalities in the identification of community needs;
  - (g) facilitate and ensure involvement of its traditional community in the development or amendment of the integrated development plan of a municipality in whose area that community resides; (h) participate in the development of policy and legislation at local level through public hearings and active participation in local structures;
  - (i) participate in developmental programmes of municipalities, provincial and national spheres of government;
  - (j) promoting indigenous knowledge systems for sustainable development and disaster management;
  - (k) alerting any relevant municipality to any hazard or calamity that threatens the area of jurisdiction of the traditional council in question, or the well-being of people living in such area of jurisdiction, and contributing to disaster management in general; and
  - (l) share information and cooperate with other traditional councils within the province.

Functions of **kgosi** are reflected in **Section 18** of the same **Act**, and it refers:

### *Role and functions of kgosi/ kgosigadi*

18. (1) A kgosi/ kgosigadi recognized in terms of section 8, shall subject to this Act and the Constitution -
- (a) administer the affairs of the traditional community;
  - (b) maintain peace in the traditional community, by conciliating and mediating disputes between members;
  - (c) forthwith report to the competent authorities –
    - (i) the death of any person within the traditional community area from violence or any other unnatural causes;
    - (ii) the outbreak of any contagious or infectious disease or epidemic;
    - (iii) any allegation of an act of witchcraft or divination;
    - (iv) the commission of any offence which cannot lawfully be disposed through the exercise of the powers in cooperation with the traditional council and jurisdiction conferred upon such kgosi/ kgosigadi;
  - (d) take such steps, which are necessary and effective, to make known to the members of the traditional community the provisions of any new law or policy;
  - (e) convene and attend meetings of the traditional council to discuss the affairs of the traditional community: Provided that such meetings shall be convened at least once every calendar month;
  - (f) take such steps which are necessary to make known to the members of the motsana the provisions of any new law or policy;
  - (g) convene and attend meetings of the traditional community to discuss the affairs of the traditional community: Provided that such meetings shall be convened and attended by members of traditional community; Provided that such meetings shall be convened at least once every six months;
  - (h) take note of any problems, grievances or matters, if any, raised by any member of the traditional community at any meeting as referred to in paragraph (h) and shall take such steps which are necessary to attempt to resolve such grievance, problem or matter, as the case may be;
  - (i) generally seek to promote the interests of the traditional community and shall take such reasonable steps which may be necessary to promote the well-being and advancement of the traditional community.

- In terms of our commitment, which was also presented in the **November 2015 community general meeting**, we have committed to corporate governance principles, however we should govern, we should lead and do what is necessary;

c. We have committed to do the above through consultation with the community, and the **25<sup>th</sup> July 2015** general meeting, **11<sup>th</sup> November 2015** meeting, this meeting is a proving factor. This also is supported by other engagements that were observed, such as distribution of documents as requested, allowing members of the community clarity, also, which should not be condoned by allowing unannounced community members to observe **Traditional Council** proceedings. In April 2016 we also called and attended the community general meeting and the next meeting where this amended report will be presented should be done:

A community meeting should be called and the amended report should be presented on the **06<sup>th</sup> August 2016**, **Bethanie. District Office, MEC Traditional Affairs** are requested to be part of the meeting and that the **Traditional Council** should ratify this request. Printed report should be filled before the last day of **July 2016**

d. **Kgosi** does not observe the law as referred in the act, this cannot be singled out as he is gross violation.

#### **Offences and penalties**

39. *Kgosi/ kgosigadi, or kgosana, who –*

- (a) *Willfully and unlawfully, directly or indirectly extracts, accepts, agrees to accept or attempts to obtain for himself or for any other person, any gift, reward or any other consideration whatsoever, other than the allowances to which such kgosi/ kgosigadi, or kgosana, is entitled to receive in terms of this Act or in terms of any regulations published in terms of this Act, for or on account of the services or functions performed or the doing or refraining from doing or having done or refrained from doing anything in the capacity as kgosi/ kgosigadi, or kgosana, shall be guilty of an offence and shall be liable, on conviction to pay a fine not exceeding five thousand rand or to imprisonment not exceeding two years.*
- (b) *Wilfully and unlawfully fails or refuses to comply with any procedural provisions in this Act or the regulations, shall be guilty of an offence and shall on conviction be liable to pay a fine and/ or to undergo imprisonment not exceeding six months.*
- (c) *Without the consent of the traditional council concerned, allows, induces or authorizes any person to take up residence or in any way to occupy land registered in the name of or in trust for any traditional community or any land referred to in Schedule 1, shall be guilty of an offence and shall, on conviction be liable to pay a fine and/or to undergo imprisonment not exceeding two years.*
- (d) *Without of the consent of the traditional council concerned, takes up residence or in any way occupies land registered in the name of or in trust for any traditional community or any land referred to in Schedule 1, shall be guilty of an offence and shall, or conviction be liable to pay a fine and/ or to undergo imprisonment not exceeding two years.*

<b>SCHEDULE I Act Number and year</b>	<b>Short title</b>	<b>Extent of Repeal</b>
23 of 1978	<i>Bophuthatswana Traditional Authorities Act</i>	<i>The whole to the extent assigned to the province</i>
38 of 1927	<i>Black Administration Act</i>	<i>The whole to the extent assigned to the province</i>
7 of 1976	<i>Pounds Act</i>	<i>The whole to the extent assigned to the province</i>
4 of 1976	<i>Registration and Control of Dogs Act</i>	<i>The whole to the extent assigned to the province</i>
7 of 1977	<i>Registration of Customary Unions Act</i>	<i>The whole to the extent assigned to the province</i>
23 of 1979	<i>Bophuthatswana Wheel Tax Act</i>	<i>The whole to the extent assigned to the province</i>
68 of 1951	<i>Black Authorities Act</i>	<i>The whole to the extent assigned to the province</i>
<i>Proclamation No. 110 of 1957</i>	<i>Regulation Prescribing the Duties, Powers, Privileges and Conditions of Service of Chiefs and Headmen</i>	<i>The whole to the extent assigned to the province</i>

<i>Proclamation No. 129 of 1967</i>	<i>Regulations for the Control of Residents on and the Occupation of Privately Owned or Tribally Owned Land in Black Areas</i>	<i>The whole to the extent assigned to the province</i>
<i>Proclamation No. 196 of 1967</i>	<i>Betterment areas Proclamation</i>	<i>The whole to the extent assigned to the province</i>

### **Schedule II**

#### **CODE OF CONDUCT**

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- (a) must perform the functions allocated to him or her in good faith, diligently, honestly and in a transparent manner;
- (b) must fulfil his or her role in an efficient manner;
- (c) may not conduct himself or herself in an improper or unbecoming manner;
- (d) must comply with any applicable legislation;
- (e) must act in the best interest of the traditional community or communities he or she serves;
- (f) must promote unity amongst traditional communities;
- (g) may not embark on actions that would create division within or amongst traditional communities;
- (h) must promote nation building;
- (i) may not refuse to provide any service to a person based on political or ideological grounds;
- (j) must promote the ideals of co-operative governance, integrated development planning, sustainable development and service delivery;
- (k) must foster good relations with the organs of state with whom he or she interacts;
- (l) must promote the principles of a democratic and open society; and
- (m) must disclose gifts received.

##### **2. A traditional council must—**

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- (b) execute its duties in an efficient manner;
- (c) comply with any applicable legislation;
- (d) act in the best interest of the traditional community it serves;
- (e) give effect to the principles governing public administration set out in section 195 of the Constitution;
- (f) must promote the ideals of co-operative governance, integrated development planning, sustainable development and service delivery; and
- (g) foster good relations with the organs of state with whom it interacts.

### **3. Operations**

- a. **Kgosi** does not have powers to procure services, to fire and hire/appoint staff and if at all he is for some reason believe that he holds such powers, he may as well advise us of where he get that from;
- b. **Traditional Council's** proceedings/duties are sabotaged by some members of the same council ganging up with community members and **kgosi** to protect **kgosi**;
  - i. On or before **November 2015**. Council adopted the motion of holding meetings every Wednesday until most of the work is done and until council adopt another motion as and when it comes;
    - 1. This was informed by different matters such as bringing and managing revenue, making sure that **kgosi and Mr Phaladi** resigns/dismissed in all community owned legal entities, and making sure that community assets are registered and well managed.
    - 2. Amongst others to bring normalisation to matters of staff and labour relations.
  - ii. Unlawful meetings held at **Ms Moleboge Mamagale's** place; (On this matter and around the **Dossier**, **Ms Mamogale** has made his submission and since then never attended council sittings, and the **Traditional Council** also took notice of repeated

- occurrences where she was reprimanded not to mislead kgosi on matters of operations, the matter is still pending).
- iii. Unlawful meetings held in **Brits** led by the same **Ms Mamogale, Mr Segwe and Mr Poho** (Both **Mr Segwe** and **Poho** has since disappeared from council)
  - iv. Unlawful meetings called by **Ms Moleboge Mamogale and Mr Poho** with the aim to tarnish some councillor's name to lobby for the disbandment of **40%** elected **Traditional Councillors**
  - v. Members of the community called by **Ms Moleboge Mamogale** to attend council proceedings without making proper arrangements;
  - vi. Unlawful actions by **kgosi** to sabotage council by taking **Mr Phaladi** to court unlawfully and colluding on the matter in the pretence that **Mr Phaladi** is suspended while working, which **kgosi** does not have the authority by law to do that, refers to functions of the **Traditional Council NWTLGA Section 9** and functions of **kgosi chapter 18**.
  - vii. Council resolutions sabotaged by same members referred above, i.e. appointment of attorneys to pursue matter against **Mr Phaladi** and **Kgosi**, and execution of council/community resolutions taken on **November 2015**
  - viii. There was also a plan by the above group of people to also disrupt the **23<sup>rd</sup> April 2016** community meeting which was addressed earlier by **Mashigo**
  - ix. This is also seen on **facebook** under the status of **Mr Macoy Makhutle** for making malicious allegations against council/councillors and when he is engaged he belittle those who asks questions, this matter should be reviewed as is a crime to incite violence and intentionally mislead people for unlawful personal gains. Such allegations may be made available when required.
  - x. **Mr Segwe's** utterances and lies at the community meeting held in **November 2015**;
    - 1. **Mr Segwe's** utterances and lies in council about **Adv. Makena** and **Councillor Mashigo**
    - 2. **Mr Segwe's** transgressions include working and scheming with **kgosi** on doing unlawful and unprecedented work against council, this was also report by him at the meeting held at **Amazingwe** and in numerous occasions in council while he tried to misled and sabotage council
    - 3. **Councillor Segwe** is alleged to have a permission from **kgosi** to mine in the **Paachsdraai** area, and if this is true, it will be proper to investigate the relationship between **kgosi** and **Councillor Segwe** given what **Councillor Segwe** has been doing, and for the record he is also appointed in the **60%** by **kgosi**.

It is recommended that **The Traditional Council** should charge **Councillor Segwe** on the misleading information uttered in the **November 2015** meeting, misleading information uttered in council about **Adv Makena** and **Councillor Mashigo**, his activities with **kgosi** on illegally collecting documents and other equipment that was never submitted to council and that such charges should be addressed immediately while he is suspended from operation within **30** days and that council should have his written representations on or before the **5<sup>th</sup> May 2016** on these matters through the secretary office. This matter should also be finalised within the **30** days from the **5<sup>th</sup> June 2016**

- c. **Traditional Council** operating without any source of income. Last year council took a resolution that stipend of **R7 000.00** be made available every month for all councillors to enable them to execute community affairs and their duties as prescribed in the **Act**. The

stipend will be reviewed once the finances of community are stabilised. The stipend has never been processed since.

- d. On the **09<sup>th</sup> May 2016**, **Secretary** of council opened a cases against **kgosi** and case no's are **CAS27/5/2016** and is investigated by **CAPT. MJ NKOSI**
- e. **The Royal Family** has been identified as the factor to the cause of failures in administration as they are being used by **kgosi**, which we note the complaints forwarded and presented to them by different organs inclusive of **Traditional Council** and **Staff** on **kgosi's** maladministration issues.
  - i. We have noted the condoning and scheming of the second house (**bo-rangwane**) into operations from the days when corruption was effected.
  - ii. **The Mosiah Family** has lodged a complaint in different forums, direct to council and in the general community meeting.
  - iii. It is also unlawful to have such number of royal family members in council; refer to the guideline in terms of the **Act**.
- f. Only the **Traditional Council** can, procure, appoint and hire/appoint staff; I refer from the same **Act**:

*Staff of traditional councils*

12. (1) A traditional council assisted from Government may, with the approval of the Head of Department, appoint such staff and employees as may be necessary to perform the duties and functions of such traditional council in terms of this Act or any other law.

(2) A person appointed in terms of sub-section (1) shall be employed on the such conditions as shall be determined by the traditional council and shall be remunerated from the funds and accounts referred to in section 30 of this Act.

(3) The Premier may on the recommendation of the Head of Department, second an officer on the establishment of the Department to any traditional council to assist such traditional council in the execution of its functions in terms of this Act and may likewise withdraw from such service such officer or employee.

**g. Traditional Community Finances Report by Secretary - Actual Financial Report**

See attached Annexure "A" – document prepared by staff and center managers of the community;

**Annexures:**

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**The Bakwena Ba Mogopa Traditional Community** has been experiencing serious misconduct and misrepresentation by **kgosi** and his associates whom will not mention at this stage, **Kgosi** has a responsibility to respond to what went on since his period as he (**kgosi**) took upon himself to fire the then **Traditional Council** and work with whomever he chose, who the majority is his friends and family.

This also goes to the level whereby very serious transgressions in terms of what the law prescribes and the following are noted and the **SAPS** should also open a case in terms of this section:

**Offences and penalties**

39. *Kgosi/ kgosigadi, or kgosana, who –*

*(a) Willfully and unlawfully, directly or indirectly extracts, accepts, agrees to accept or attempts to obtain for himself or for any other person, any gift, reward or any other consideration whatsoever, other than the allowances to which such kgosi/ kgosigadi, or kgosana, is entitled to receive in terms of this Act or in terms of any regulations published in terms of this Act, for or on account of the services or functions performed or the doing or refraining from doing or having done or refrained from doing anything in the capacity as kgosi/*

*kgosigadi, or kgosana, shall be guilty of an offence and shall be liable, on conviction to pay a fine not exceeding five thousand rand or to imprisonment not exceeding two years.*

*(b) Wilfully and unlawfully fails or refuses to comply with any procedural provisions in this Act or the regulations, shall be guilty of an offence and shall on conviction be liable to pay a fine and/ or to undergo imprisonment not exceeding six months.*

*(c) Without the consent of the traditional council concerned, allows, induces or authorizes any person to take up residence or in any way to occupy land registered in the name of or in trust for any traditional community or any land referred to in Schedule 1, shall be guilty of an offence and shall, on conviction be liable to pay a fine and/or to undergo imprisonment not exceeding two years.*

*(d) Without the consent of the traditional council concerned, takes up residence or in any way occupies land registered in the name of or in trust for any traditional community or any land referred to in Schedule 1, shall be guilty of an offence and shall, or conviction be liable to pay a fine and/ or to undergo imprisonment not exceeding two years.*

**Bagopa Properties PTY Ltd** has been reported to have been collecting and dealing with community land related matters and also collecting monies/taxes on behalf of the community. This is however unlawful and the company directors should be suspended from all community based issues and be charged by the **Traditional Council** immediately.

This company should submit a written report not later than the **03<sup>rd</sup> June 2016** to council on all monies collected on behalf of council, and should also submit resolutions and advice on how the company was formed and how the directors were appointed.

It is also noted that **kgosi's salary** was increased to net of **R49 696.11/per month**, and explanation on process followed to this effect is required. (Estimated of over 300%)

- **Preliminary findings:**

- **The matter is inconclusive;** **kgosi** must submit and advice on the process followed when he increased his salaries
- **District office** as well must advice on approving this matter.

**Kgosi** does not want to work with the **Traditional Council** or anyone else and would like to pursue his unreasonable vested interests by using **community assets** and name for himself **ONLY!**

- **Preliminary finding:**

- The reason he employed the **Royal Family** members into community operations is solely on the basis of securing his absolute power and not accounting as is observed when anyone is objecting to his wrong doings is dismissed and or rejected in different ways.
- The reason **kgosi** instituted legal action against some community members who were marching in **2012** was solely done to silence the community in demanding him to account as per submitted memorandum. The legal process also cost community unlawful expenditure as **kgosi** was avoiding to account. Memorandum is attached herein as "C"
- **Kgosi** should be held personally liable for all losses in this regard.

**Kgosi** is using community vehicles as if they are his, without accounting and without record keeping and some vehicles were damaged under his responsibilities and this must be addressed

- **Preliminary finding:**

- **Kgosi** is simply not accountable to anyone and have abused mismanaged his powers and must be held personally liable for all vehicles and their costs. Vehicles that we note and without limiting to are **Prado, Hilux – bakkies x 3, Corsa, Toyota Quantum, Ford Ranger** and all these vehicles must be delivered and or fetched by Traditional Council immediately.

**Kgosi** has made community owned documents, furniture, equipment and other things his and does not want to submit them to council where they belong.

- **Preliminary finding:**

- Theft of community documents, furniture and equipment

**Kgosi** is misleading, has repeatedly conspired and or colluded to cause community violence/uprising

- **Preliminary finding:**

- His lack of respect for the community by not attending meetings properly, comes late, leaves while meetings are proceeding and he can't be reached by councillors and staff.
- His misleading statements on the **November 2015 and 23<sup>rd</sup> April 2016** community meetings.

# 2

## Second Assessment: Renovation – Royal House

### Second Assessment:

### Construction/renovation of Royal House

Service Provider reflecting in expenditure community documents is Ike & Sons; we have identified very serious and irregular acts and kgosi and district office needs to make representations on the matter.

Dates	Ike & Sons	Services Rendered
14/12/2010	60000	
14/01/2011	99601.9	
15/02/2011	95800	
18/03/2011	94600	
23/05/2011	46379	Building guard house
30/05/2011	43375.32	fitting kitchen unit
10/06/2011	92759.52	digging foundation
12/06/2011	40152.79	setting foundation
29/06/2011	40152.79	
07/07/2011	90000	paving at Royal House
21/07/2011	46379.76	final payment paving
21/07/2011	40512.79	final payment electricity
27/07/2011	90000	levelling of paving
03/08/2011	90000	paving at Royal House
19/08/2011	90000	levelling of paving
24/09/2011	13050	concrete works Royal House
10/10/2011	41928	
03/02/2012	85000	
15/02/2012	80000	
04/04/2012	64530	
23/05/2012	93879	Royal House
13/07/2012	72649.92	
06/08/2012	54512.93	
06/08/2012	72649.92	
25/10/2012	55404	
25/10/2012	94785.16	
15/01/2013	94785.16	
15/01/2013	64296	
<b>Total</b>	<b>1947184</b>	Proper representations with do

### Preliminary findings will request that kgosi respond on the matter and should include:

- The need for service and how the project was identified;
- Procedure followed when appointing;
- Budget and resolutions where required;
  - In addition it is required for district office to confirm procedure followed when procuring services which will include budget and processing payments from community funds.

### Some of the irregularities identified and expected to be explained by kgosi are:

- On other services rendered in the same house, there is extreme suspicion of theft on paving services, claim made for paving and on levelling of paving.
- All services rendered to this effect should be properly explained, for instance paving and levelling of paving, the claim that is reflecting as Royal House should be corrected and why are there final payments done for a specific service and later another payments are processed in same.

### • Conclusions on Preliminary Findings are:

- **Wasteful Expenditure** as the house cost community **R1 947 184.00** which was not necessary since the house is still not used for anything. It is also suspicious to have one service provider working on this house over the period of **two years**.
- We await representations from **kgosi** and district office,

# 3

## Third Assessment: Security Costs

Service Providers appearing in community documents Annexed herein are, Hydro Shock, Deterrent Shock, Deterrent Hydro Shock, Talmatas, Marata Go Bonwa, Tredstone, Pankop Trading Projects, Wilshire Trading, Wilshire Associates, Solid Glory, Bakwena Protection Service and Oumata

Dates:	Solid Glory
14/12/2012	46380
15/01/2013	43320
31/01/2013	43320
23/03/2013	134520
06/05/2013	134250
19/07/2013	134520
23/08/2013	134520
23/08/2013	134520
02/09/2013	67093.65
01/10/2013	134520
20/12/2013	92666.66
20/12/2013	92666.66
20/12/2013	92666.66
<b>Total</b>	<b>872443.65</b>

Dates	Deterrent Shock	Co-Add Info
31/05/2011	33459	
01/06/2011	33458	
04/07/2011	33459	
27/07/2011	33459	
01/11/2011	41959	
21/12/2011	50256.81	Hydro
27/01/2012	66856.81	
26/03/2012	64755.1	
25/04/2012	64755.9	
<b>Total</b>	<b>422418.62</b>	

Dates:	Tredstone
14/06/2012	42000
29/06/2012	42000 risk
20/08/2012	90000
<b>Total</b>	<b>174000</b>

Dates	Talmatas
28/03/2012	35320
04/05/2012	97200
13/06/2012	65880
12/07/2012	33480
03/09/2013	36000 Trading
<b>Total</b>	<b>267880</b>

03/09/2013 Wheat farming note under Talmatas.

Dates	Hydro Shock
16/02/2011	33458
13/05/2011	57459
<b>Total</b>	<b>90917</b>

Total Security Costs Excl Other Service Providers	
Wlshire	1810490.6
Bprotection Se	5170960
Deterrent Shock	422418.62
Chokzo Constru	455000
Solid Glory	872443.65
Talmatas	267880
Tredstone	174000
<b>Total</b>	<b>9173192.87</b>

Notes for security costs include BPS cost, which is excluded from this assessment as BPS is presented as community owned company. BPS report is reflected under

4<sup>th</sup> Assessment below

Notes for security costs:

Oumata also rendered security services and payment was captured on the 04/03/2013 (This is a service provider that was working Tribal Hall & Kgotsa

Over **R9m** has been spent on security services, the main question is where was security services rendered and why? While this matter is noted, kgosi has been accused of maladministration and general breach of code of conduct since he came into power and to this effect it is of great concern that he used and

procured security services for his protection so that he continue with maladministration rather than attend to community raised concerns and attend to corrective measures in fixing what is raised.

### **Representations required by kgosi should include:**

- The need for service and how the project was identified;
- Procedure followed when appointing;
- Budget and resolutions where required;
- Whether the service was provided or not, proof of report to this effect is required.
- Whether these companies are security registered companies is still a pending clarity since some these companies are reflecting in rendering other services and not within the security services, i.e. **Oumata Renase Electrical** and others.
- Representations are also required by district office on confirmation of procedure followed when processing payments from community funds

### **Some of the irregularities identified and expected to be explained and responded to by kgosi are:**

The above companies have been identified as per our documents as security service companies that have rendered the said specialised service to the community between **2012** and **2014**, such will still have to be confirmed in both **kgosi's** and **district office** representations.

### **Preliminary findings are:**

- Since before **kgosi Tebogo Reneilwe Motheo Mamogale** the community has new expenditure that is defined as Security Rendered, thus it is not known where, why and who is behind the need of such service and as a result, the Traditional Council needs to be advised on the basics on the matter, on why is the service rendered, and the procurement procedure in terms of the law around this matter. Since kgosi failed to provide council with the necessary documents to this effect, **The finding to this matter is that**, Monies were stolen in pretence of service rendered, this will however be reviewed on the basis of kgosi's representations given the required date.

### **Recommendations:**

Internal budget has to be made available to council for internal audit and has to be done in the following manner:

- A team of **three (3)** councillors must be **nominated and appointed** to finalise the required community security expenditure and **kgosi's** personal security expenditure
- **Kgosi** must return the total expenditure incurred in his personal services
- A report must be tabled to council before or on the last day of **June 2016** and such report should be adopted or edited by council to be included in the **Secretary** report.

# 4

## Forth Assessment: Bamogopa Protection Service

Dates	BProtect Service
29/01/2013	60210
29/01/2013	89069.26
29/01/2013	89069.26
29/01/2013	94225.5
29/01/2013	76345.08
29/01/2013	94225.5
29/01/2013	94225.5
29/01/2013	98157.96
22/02/2013	89042.84
22/02/2013	89042.84
22/02/2013	89042.84
22/02/2013	89042.84
04/03/2013	89042.34
04/03/2013	89042.84
28/03/2013	94173.5
28/03/2013	94173.5
28/03/2013	94173.5
28/03/2013	94173.5
28/03/2013	94173.5
28/03/2013	94173.5
28/03/2013	96120.83
18/04/2013	96120.83
18/04/2013	96120.83
18/04/2013	96120.83
18/03/2013	96120.83
18/03/2013	96120.83
17/03/2013	96120.83
28/05/2013	92429.5
28/05/2013	92429.5
11/06/2013	92429.5
11/06/2013	92429.5
11/06/2013	92129.5
11/06/2013	92129.5
26/06/2013	91444
26/06/2013	91444
26/06/2013	91444
26/06/2013	91444

- Assessment, findings and recommendations:
  - In terms of the representations by **kgosi**, which he needs to confirm in writing he indicated that this company is community owned and is a subsidiary of **Bagopa Holdings PTY Ltd**;
  - The directors of **Bagopa Holdings PTY Ltd** and the **Directors of Bagopa Protection Security PTY Ltd** must account and submit a detailed report on how the companies were formed, operations and finances since inception;
  - **Kgosi** must submit the founding documents of these companies which will include community resolutions to council immediately or preferably before the end of **May 2016**;
  - A proper explanation on why this company was paid from community funds must be tabled to council before the end of this month by both **kgosi** and **District Office**;
  - **Kgosi** must in terms of community resolutions taken in and after **November 2016** and in terms of his report to council submit his resignation and related **CIPC** signed documents
  - The company must submit their report to council that covers other businesses and income, expenditure and operations.
  - **Kgosi** and the district office must also indicate why the company was appointed, procedure in terms of appointment and etc.

26/06/2013	91444
26/06/2013	91444
31/07/2013	90658
31/07/2013	90658
31/07/2013	90658
31/07/2013	90658
31/07/2013	90658
31/07/2013	90658
15/08/2013	89491.83
15/08/2013	89491.83
15/08/2013	89491.83
15/08/2013	89491.83
15/08/2013	89491.83
17/12/2013	87767.37
17/12/2013	87767.37
17/12/2013	87767.37
17/12/2013	87767.37
17/12/2013	87767.37
17/12/2013	87767.37
17/12/2013	87767.37
17/12/2013	87767.37
17/12/2013	87767.37
	<b>5170960.5</b>

# 5

## Fifth Assessment: Oumata Renase – Bethanie Kgotla Renovation

Dates:	Oumata Ren	Service rendered
15/02/2012	99212.8	electricity at kgotla
15/02/2012	97055.64	electricity at kgotla
28/02/2012	95639.62	electricity at kgotla
28/02/2012	97849.45	
05/03/2012	78150.23	erection of toilets
25/04/2012	94168	erection of toilets
14/06/2012	99654	
18/06/2012	96430	renovations at kgotla
18/06/2012	98267	renovations at kgotla
18/06/2012	98276	renovations at kgotla
18/06/2012	99450	renovations at kgotla
18/06/2012	99320	renovations at kgotla
29/08/2012	95920	renovations at kgotla
29/08/2012	94780	renovations at kgotla
29/08/2012	99950	fitting airconditoners
29/08/2012	99320	painting kgotla
29/08/2012	98277	
12/12/2012	92900	painting kgotla
12/12/2012	98900	remove old plastering
12/12/2012	94900	refurbishment of tribal hall
14/12/2012	92670	refurbishment of tribal hall
29/01/2013	98990	refurbishment of tribal hall
29/01/2013	99750	refurbishment of tribal hall
04/03/2013	96500	refurbishment of tribal hall
04/03/2013	99200	refurbishment of tribal hall
04/03/2013	98420	refurbishment of tribal hall
04/03/2013	49332.36	refurbishment of tribal hall
04/03/2013	61685.4	security rendered
04/03/2013	97730	refurbishment of tribal hall
04/03/2013	99540	refurbishment of tribal hall
04/03/2013	61872.75	refurbishment of tribal hall
<b>Total</b>	<b>2884110.25</b>	irregular expenditure-general

- It has in terms of our documents claims of R2 884 110.25 have been processed and to this effect, this include another suspicious claim that is reflecting security rendered at R61 685.40 (this note is reflected above under assessment 4).
  - Doing quick assessment on how **kgotla** was looking like and the work done on it, given the period of claims and the alleged services rendered by **Oumata**, it is not without a doubt that the reflected amount above is way too much to this effect.
- Representations and reports:
  - **Kgosi** and the **district office** must submit a report on procuring services on this matter otherwise the said services are extremely suspect and cannot be left unattended.
  - Possible forensic audit that will advise on the actual amounts of work done and competence pricing, and or double invoicing.
  - A construction consultant to be appointed and ratify quotes as per appointments and competency on service rendered.

### Preliminary findings:

This finding is based on repeated attempts by Traditional Council to get documents from kgosi without success, if this could still be experienced, this matter should be adopted us unnecessary and reckless.

- Wasteful Expenditure
- Theft of community funds in false pretence.

# 6

## Sixth Assessment:

### Mosiamise Business Consultants – Services not known

#### Fifth Assessment:

Dates:	Mosiamise BC
14/12/2011	782623.07
07/03/2012	1919008.93
30/03/2012	1312577.9
05/06/2012	1067142.91
13/07/2012	968288.24
13/07/2012	500000
13/07/2012	500000
13/07/2012	500000
13/07/2012	115046.88
19/09/2012	486368.61
19/09/2012	486368.61
19/09/2012	342000
25/11/2012	500000
25/11/2012	421431.08
04/12/2012	500000
04/12/2012	65458.99
14/03/2013	280725
14/03/2013	280725
14/03/2013	299670.23
15/03/2013	299670
Total	<b>10654368.23</b>

- **Mosiamise Business Consultants** reflect to have rendered services and paid from community's funds from 30/03/2012.
- It is extreme suspect on what Mosiamise was doing, how he was doing it and the service it rendered because the figures claimed from community funds on its payments references are huge as referred below:



- **Preliminary Findings:**
  - Transections done and appearing in our payments document totalling **R10 654 368.23** in the period of two years.
  - It is extreme difficult to conclude on this matter, where the service provider is reflected since the only information we have is that, it (**Mosiamise Business Consultants**) rendered and advised in corporatisation of the community, which same has resulted into bankrupting the community. I would like to believe, without going into details that corporatisation was used to suffocate monies from community **D-Account** to benefit the few and not to account to anyone, however, only interested parties may proof otherwise by supplying information and making representations on the matter.
  - The following must make proper representations on how the service provider was appointed, what actual services did he provide, where are documents of reports on the service and related matters before the end of **May 2016**
    - **Kgosi**
    - **District Office**
    - **Chief of Staff**

# 7

## Seventh Assessment: Belldewar – Currently known as

### Seventh Assessment:

Dates	Bell Dewar
18/08/2011	1052819.49
29/09/2011	489592.63
03/10/2011	769638.42
01/11/2011	135914.3
23/01/2012	212425.22
30/03/2012	1845781.17
14/06/2012	605616.44
06/09/2012	500000
06/09/2012	500000
06/09/2012	500000
06/09/2012	500000
06/09/2012	30698.92
14/12/2012	819125.33
14/12/2012	578529.57
07/02/2013	276965.22
07/02/2013	276965.22
07/02/2013	192249.6
07/02/2013	263922.04
07/02/2013	187209.8
07/02/2013	154732.99
07/02/2013	402948.55
07/02/2013	402948.54
07/02/2013	402948.54
27/02/2013	65452.5
27/02/2013	71547.9
01/03/2013	105674.39
07/03/2013	58328.1
Total	10349215.39

- Bell Dewar is currently known as Fasken;
- Bell Dewar goes back to our history of service providers and perhaps some clarity should be provided on this matter, on which services did they really render service, and whether such services were of community interests.
- All invoices and resolutions for appointments must be submitted to Council immediately by kgosi, preferably before the end of May 2016



- **Preliminary findings:**
  - Total **R10 349 215.39** was paid for services rendered and more details of these services should be presented and responded to.
  - A distinction on services must be established on what services are these as we are aware that **kgosi** used the same service provider to fight his personal foes against some community members and or his personal legal matters, and such should be cleared and the account where **kgosi** was liable must be processed by him and not the community. This account should be submitted to **Traditional Council** on or before the end of the month.
  - Different services are provided by same service providers.

# 8

## Eighth Assessment

### NEF

Dates	NEF
04/12/2012	500000
04/12/2012	500000
04/12/2012	500000
04/12/2012	500000
04/12/2012	500000
04/12/2012	500000
04/12/2012	500000
04/12/2012	500000
04/12/2012	500000
Total	5000000

- **Preliminary Findings:**

- Capita transferred to NEF can't be accounted for;

### **Recommendations:**

- NEF has reflected in our invoices/expenditure statement and proper explanation as to the reasons, conditions and contracts must be provided to the **Traditional Council**, and community resolution must also be submitted.
- **Kgosi** must submit all related information on this matter to council immediately, preferably before the end of **May 2016**, and without limiting to must include community resolutions and contract(s).

# 9

## Ninth Assessment

### Quantity Surveyor:

#### **Ninth Assessment:**

Dates	Carel Koen
19/09/2012	500000
19/09/2012	500000
19/09/2012	363077.77
23/03/2013	500000
23/04/2013	453290.6
Total	2316368.37

- **Quantity Surveyor** reflect to have rendered services that are generally suspect when we look deep into our community and affairs.
- **Kgosi** and district office needs to clarify which services are these and what procedures were followed when spending on them, the need, the procedure of appointing service provider and whether he qualifies of not. Council must also investigate.
  - Carel Koen is the identified quantity surveyor on this claims totalling **R2 316 368.37**

# 10

## Tenth Assessment Mokwena W & or Mokwena E

### Tenth Assessment:

Mokwena W	
21/12/2011	91520
24/01/2012	91520
21/02/2012	91520
22/03/2012	58240
	<b>241280</b>

Mokwena E	
20/04/2012	91520
08/05/2012	91520
10/07/2012	91520
	<b>183040</b>

- **Mokwena W and Mokwena E were also identified in our processed invoices (Please specify periods of payments)**
- **It is not clear whether Mokwena W is the same Mokwena E as this may occur as a mistake, however, kgosi needs to advice on this matter as well.**
- **Kgosi and district office also need advice on the budget and procedure followed in this procurement process.**
  - The question is, who is **Mokwena W and E?**
  - What services did he render and or why was he paid?
  - In terms of engaging and finally processing payments to him/her, how did it come about?
  - Payments done to **Mokwena W** are at **R241 280.00**
  - Payments done to **Mokwena E** are at **R18 340.00**

# 11

## Eleventh Assessment

### Mixed Services

### Eleventh Assessment:

Dates:	Mix Services	
06/09/2011	Local area conne	198760
12/03/2012	Professor Khunou	41860
09/03/2012	Norton Rose	192177.19
15/03/2012	Professor Khunou	751600
11/04/2012	Molosiwa LM	40025.8
24/05/2012	Marata Go Bonwa	91520
05/06/2012	Design Plus	284885
30/03/2012	Walton	228255.61
13/07/2012	Design Plus	96510
31/09/2012	Lood Pretorius	1613845.5
14/12/2012	Local area servic	186022.01
15/01/2013	Sekhu M	24375
28/02/2013	Professor Khunou	65452.5
19/07/2013	Xabiso Consultar	292386.62
28/03/2013	Lesedi Molosiwa	80000
20/12/2013	Ian Ashmol	45600
20/12/2013	Ian Ashmol	7913.17
20/12/2013	Estelle Pretorius	16000
	<b>Total</b>	<b>4257188.4</b>

- **Mixed Services have cost the community R4257188.40 and these services reflect different references to the invoices to have been processed from the 06/09/2011 to 20/12/2013**
- **All these services are suspicious, for example it is presented that furniture was bought for the Royal House by Design Plus and for some odd reason no one knows where it is.**
- **Kgosi and District Office needs to advice on the basics, budget, procedure that was followed for appointing service providers in all payments and that if there are goods bought, to be identified by council and updated in inventory book.**

In consultation with **Mr Asmol** we have discovered that the amount processed to him were **R45600.00** and **R76913.17**. This will be edited in the final document.

Twelfth Assessment:

Dates	Std Bank Acc
14/05/2013	500000
14/05/2013	500000
14/05/2013	500000
14/05/2013	500000
14/05/2013	500000
14/05/2013	500000
14/05/2013	500000
14/05/2013	500000
14/05/2013	500000
14/05/2013	500000
14/05/2013	500000
14/05/2013	500000
14/05/2013	500000
14/05/2013	500000
14/05/2013	500000
14/05/2013	10000
<b>Total</b>	<b>5125894.31</b>

  

Dates	BBMT Authority
30/08/2013	500000
30/08/2013	500000
30/08/2013	500000
30/08/2013	500000
30/08/2013	500000
30/08/2013	500000
30/08/2013	500000
10/01/2014	500000
10/01/2014	500000
<b>Total</b>	<b>4000000</b>

Cash Withdrawals

Assessment; Preliminary Findings; Recommendations

- This assessment must finally get kgosi and his associates to present and account to all the monies withdrawn from community funds in the explanation/reference of processing Traditional Council Employees' salaries;
- The procedure followed and audited financial statements from the account where monies were transferred to are required to council before end of June 2016;
  - The documents processed on opening this account and how it was managed and processed are required and must be submitted to council immediately;
  - Total Withdrawals which includes
    - Withdrawal Trust Account -R5 125 894.31 (19/09/201)
    - BBMT Authority -R4 000 000.00 (30/08/2013)
    - Standard Bank Account -R6 010 000.00 (14/05/2013)
  - Total withdrawal of community funds for assumption of salaries purposes are at R15 135 894.47 (this figure is less BBM Protection Services above)
  - Bamogopa Protection Services PTY Ltd is the company that was presented to have been owned by the community, and to this effect it is reflecting invoices processed to by the community that amounts to **R5 098 244.16**
    - Same company is suspected to have been used to suffocate community funds for benefitting the few, this awaits kgosi's representations and procurement processes when allegedly rendering services to the community, and on same a presentation of whether service was required or not?
    - The module of pricing is also required;

#### **4. Mandate 28<sup>th</sup> Nov 15, 26 July 2015 and 23<sup>rd</sup> April 2016**

- a. **Gazzette** of the **Traditional Council** and setting up administration structure
- b. Financial report to be submitted (Audited)
- c. A community meeting to be held on **March 2016**
- d. **Kgosi** to resign in all legal entities owned by the community
  - i. Subsequently and repeatedly kgosi has submitted in different forums that he has resigned, reffing to the 23<sup>rd</sup> April 2016 general community meeting and in different council sittings; (**This is a lie**)
- e. **Mr Phaladi** to be fired from all entities of the community
- f. **Traditional Council** to take control of community owned companies
- g. Collect all community assets and store and manage them from community offices
- h. Closing of **Sandton** office (**Reported to have been done by kgosi**)
- i. Open criminal cases against those who stole community funds
- j. Council to proceed with their duties whether **kgosi** is available or not
- k. Council to appoint attorneys whether **kgosi** is available or not
- l. Council to call a community meeting whether **kgosi** agrees/available or not

#### **5. The failures**

- a. Council operations and proceedings are still a challenge since some members are only operational to protect **kgosi** from legal proceedings.
- b. **Mr Phaladi** and **kgosi** still occupying the positions in entities (assumed to be of the community)
- c. Staff salaries still remain unpaid in full and no capital is available or can be confirmed to sustain this matter
- d. Unable to call **March** general community meetings
  - i. Councillors circulated open letter, subsequent to such a letter a petition was circulated calling councillors to come and report;

#### **6. The achievements**

- a. State of financials and in-house investigation that may assist forensic audit in future
- b. Consolidation of business contracts and documents
- c. Appointments of **Trustees** in three (3) **Trust** by traditional council
- d. Appointments of temporary directors into community owned companies
- e. Appointments of legal services and or attorneys
- f. Agreement with contract investment and restructuring **Bamogopa Granite**
- g. Transparency, availability of community documents to members of the community and community general meetings;
- h. Setting up the **Traditional Council** structure – **Bethanie Business Forum**
- i. Appointed **Phungo Incorporations** to assist in legal matters of the community where required;
- j. Arranging the **20<sup>th</sup> August 2016** meeting in terms of **23<sup>rd</sup> April 2016** community resolutions;

#### **7. The Actual Report Conclusions**

- a. **Kgosi** is misleading and playing games with the community
- b. **Kgosi** is a repeated liar.
- c. Some councillors, particularly appointed by **kgosi** are sabotaging council operation and must be charged and be suspended;

- d. Some members of council have not been attending council sittings and their participation needs to be outlined and cleared;
- e. Most council members are struggling to attend council sittings due to lack of funding/funds;
- f. Some community members are scheming and sabotaging the operations of the **Traditional Council**
- g. There are **two (2)** main dangers that we have identified that are derailing this community progress which are:
  - i. **Kgosi**
  - ii. Community members who are colluding in sabotaging council duties'
- h. There are also additional dangers that we have identified that are supplementary to derailing this community progress which are:
  - i. **Maago-kgosi**
  - ii. **Kgatla Mokgadi**, seems not to be accountable to anyone and her status of employment is not known to council but **kgosi**;
  - iii. Some **Royal Family Members** who have vested interests and scheming to sabotage all processes of council.
  - iv. **Trustees and directors** in different legal entities of the community.
- i. The community needs to resolve on the recommendations that council (**40%+elect**) will advise on, and the date for the next meeting must be agreed upon.
- j. The **Provincial Government** is also identified as problematic by failing in its legislated duties.

## 8. The danger we face – Community

- a. When **kgosi** came in around **2010/11**, we have people who surrounded him and wanted to work with him, all those had no interests or whatsoever of the community at heart. This evident in the current status, which include the recent reports and engagements of **Mr Phaladi**;
- b. **Kgosi's Mother**, very dangerous and misleading from behind,
  - i. Unlawfully working with other council members,
  - ii. Unlawfully working with other **Royal Family Members**,
  - iii. His affair with **Mr Phaladi** cost the community millions of **Rands**, and this is evident in the finances as **Mr Phaladi** was brought into community affairs unlawfully/un-procedural. (This matter was also raised in the **2012** community memorandum).
  - iv. her current engagements with community projects,
  - v. seeking of funds and interactions from different stakeholders;
  - vi. Unlawfully using community name to further her personal vested interest and not reporting to anyone.
- c. Some **Traditional Council** members within the **60%** appointments of **kgosi** working in bad faith and destabilizing council.
  - i. **Mashigo L** – appointment of being a **Secretary** sabotaged by both **kgosi** and **Dep. Secretary** by going behind his back and **kgosi** not communicating with **Mashigo** at all.
  - ii. **Councillor Segwe** repeated misleading of council as he brag with association of **kgosi**
  - iii. Sabotaging of council sittings by **Dep. Secretary** and **kgosi** by lying, cheating, misleading and withholding council information – See **Annexure (Email communications of postponing meetings) "B"** (Facilitating So-called Task Team Formed to mislead and destabilise council proceedings) "C"

- iv. Planned disruptions in the **11 November 2015** meeting by councillors to cause confusion and possible infighting by **Finance Committee Chair** by presenting finances as he did, members of council lodged a complaint in his way of presentations prior to the community meeting.
- v. The dangerous **three (3) Cllr Moleboge Mamogale, Cllr Segwe, Cllr Poho**, the drivers of **kgosi's** protection and lobbies for destabilization of council, sabotage and making sure that council is unable to operate until its term come to an end; Facts to this matter may be elaborated on in the near future
- vi. Misleading community members without anything done against them;
- vii. We had in the past people who were working with **Mr Phaladi**, intentionally misleading and paid from community funds, - these people are known to the community and nothing is done against them and are still allowed space to do same, divide, mislead and make sure that the community is ungovernable as they do not have the opportunity to loot from community funds.
- viii. His Majesty **Kgosi** not accountable and irresponsible, (This matter can't be expressed enough by words)
- ix. **The Royal Family** needs to be constituted and this must be done immediately, additional governing document of the **Royal Family** should be drafted and adopted asap;
  - 1. The **Royal Family** needs to make a decision to protect the **chieftaincy** of the **Bakwena Ba Mogopa** immediately after an anthropologist has met with all stakeholders to sort our operations of the family in terms of tradition; this matter must be submitted to council and Premier before the **20<sup>th</sup> June 2016**;
  - 2. **The Royal Family** needs to advice on the position of **Mmago – Kgosi Motheo Mamogale** on traditional matters; before the **20<sup>th</sup> June 2016**
  - 3. **The Royal Family** needs to advice on the list of headmen in respective areas as per the tradition. Before the **20<sup>th</sup> June 2016**
- x. Holding the **District Office/Government** accountable in terms of the **Act**.

## **9. General Preliminary Findings and Recommendations:**

- a. **Findings - Bagopa Properties PTY Ltd** has been opened to operate on illegal matters that relates to community rates and taxes.
  - i. The same company is represented by **Kgosana Lesley More of Berseba** village;
  - ii. **It is recommended** that a written report be submitted to council before or on **the 03 June 2016** through the **Secretary**.
- b. **Finding - Kgosi** has repeatedly breached and committed offences in terms of **section 39(b); (c) and (d)** of the **NWTLG Act** and should be charged by the **SAPS** immediately;
  - i. **Advice** - On this matter, council should rely on misleading the community and council by sabotaging amongst others, council sittings, community meetings, staff payments and operation in council; he also lied by saying the community is not bankrupt.
  - ii. **Response required before the 07<sup>th</sup> June 2016** - **Kgosi** has repeatedly sabotaged the community affairs and administration;
  - iii. **Kgosi to submit all documents/equipment/vehicles** – belonging to the **Bakwena Traditional Community** immediately, failing which on **Wednesday the 25<sup>th</sup> May 2016** **Traditional Council** and **SAPS** must start with operation of identifying and

- collecting all the above. **Rangers** must be appointed for this specific purpose to guard these as per council resolution immediately.
- iv. **Recommendation** – **Kgosi** to respond in writing and submit financial report with regards all the community funds before the **30<sup>th</sup> June 2016**, this must also be done to the **Traditional Council** and through the secretary.
  - c. **Recommendation** - **Bo-Rangwane** should be charged in terms of section **39** by council before the **03 June 2016** and they must submit in writing a written response to council before the **12<sup>th</sup> June 2016**.
  - d. **Recommendation** - The following councillors be charged by the **Traditional Council** before the **03 June 2016** and they must submit in writing their response to council before the **12<sup>th</sup> June 2016** for breaching **Section 39**.
    - i. **Councillor Segwe**
    - ii. **Councillor Moleboge Mamogale**
    - iii. **Councillor Beautus Poho**
  - e. **Recommendation** – **The District Office** should advice on their role when monies were accessed during the absence of the **Traditional Council**
    - i. Submission should be made to the **Traditional Council** through the **Secretary** before the **17<sup>th</sup> June 2016**
  - f. **Recommendation** – **The District Office** should also advice on the position of the council as addressed in the two meetings held with the director **Seaketso** where he was requested to attend to advice and deal with the challenges and repeated breaches of the law by **kgosi**, and when was the **Traditional Council** (gazette) came into the effect and confirmation of end of office term as prescribed in the **Act**. This must be done before or on the **17<sup>th</sup> June 2016**.
  - g. **Recommendation** – **The District Office** should also advice on possible collusion between **kgosi** and **District Office Officials** on accessing of funds before the **17<sup>th</sup> June 2016**
  - h. **Recommendations:** - **The Traditional Council** make a recommendation that **kgosi** be suspended with immediate effect by the **Royal Family** and this must be done and be finalised by the **17<sup>th</sup> July 2016**, this matter should be reported to the **Traditional Council** by both the **MEC** and the **Royal Family** not later than the date referred above.
    - i. **Recommendations:** - **The Traditional Council** must call the community meeting on the **06<sup>th</sup> August 2016** and present this report; this meeting should be published immediately while preparations are to be done immediately.
    - j. **Recommendations:** - **The Traditional Council** must also decide and advice on how to deal and force all the **Trust** belonging to the community to table the report before council.
    - k. **Recommendation:** - **The Traditional Council** must also approve immediate budget to be incurred in this process that will be submitted by the **Secretary** before the **30 May 2016** and not over **R40 000.00**

## **10. Responses:**

- a. Communications on clarities in the document should be done through or to the **Secretary**
  - i. [tshiamomashigo@gmail.com](mailto:tshiamomashigo@gmail.com) /or [l.mashigo@bakwenabamogopa.org](mailto:l.mashigo@bakwenabamogopa.org) /or **081 755 4861**
- b. Secondly it must followed up or copy the **Executive Manager – Adv. Daniel Makena**
  - i. [Dmakena77@gmail.com](mailto:Dmakena77@gmail.com) or [makenad@bakwenabamogopa.org](mailto:makenad@bakwenabamogopa.org) or **072 285 3084**
- c. Checklist documents will be circulated by email before the last day of this month to all parties and to also assist on what issues are to be responded to, how and when.

- d. The Royal Families Decisions should be directed to Traditional Council through the Secretary where required.
- e. All costs incurred in the process must be presented to council and ratified/processed to members of council involved in this process;

**To: Kgosi Tebogo Reneilwe Motheo Mamogale**

No.	Subject	Page No.	Submission date & organ

**To: The Royal Family - Mamogale**

No.	Subject	Page No.	Submission date & organ

**To: District Office – Madibeng/the Director CATA/MEC**

No.	Subject	Page No.	Submission date & organ

**To: The Traditional Council**

No.	Subject	Page No.	Submission date & organ

**To: Traditional Council Members – cited**

No.	Subject	Page No.	Submission date & organ

To: Bagopa Holdings PTY Ltd/ Bagopa Protection Services PTY Ltd

Specify your corporate name: \_\_\_\_\_

No.	Subject	Page No.	Submission date & organ

**11. Checklist:**

To be circulated through email to all parties;

**12. Gross Irregularities Dossier On Governance, Finance & Community Matters**

- a. This document is a draft document compiled by the **Secretary of Bakwena Ba Mogopa Traditional Council** and is to be responded to by parties to advice on matters raised and is not to cause, discredit and or to cause any conflict but to make sure that accountability is adhered to by all those who play a role in matters of managing/leading the community;
- b. **The Traditional Council** is to ratify and adopt this documents and the final report;
- c. Changes may be advised in moving forward by any party if it feels that its necessary to do so;
- d. This document will be made public and accessible to the community;
- e. Any additional Information to be added should be proposed to the **Traditional Council** in writing through the **Secretary**
- f. **The Community Memorandum** submitted during the **march 2012** shall be circulated through emails before the **30<sup>th</sup> May 2016.05.24**

End of document. Signed L Mashigo: \_\_\_\_\_

**The Traditional Council has adopted the Dossier as its own and this is not a confidential document from the 20<sup>th</sup> August 2016.**