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Cooperative Governance, Human Settlements and
Traditional Affairs
North West Provincial Government
REPUBLIC OF SOUTH AFRICA



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Bakgatla Ba Kgafela Traditional Administration
P.O Box 200
Saulspoot
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By Email: info@bbkta.co.za

Attention: Mr Morena Segale Pilane

RE: EXPIRY OF THE APPOINTMENT TERM OF THE ADMINISTRATOR TO BAKGATLA BA KGAFELA TRADITIONAL COMMUNITY – MR PHENIAS TJIE

Dear Sir;

1. The Provincial Government of North West appointed Mr Phenias Tjie to be the administrator for Bakgatla Ba Kgafela Traditional Community on interrupted terms effective from *06 January 2020* pursuant to the provisions of section 22(4) of the Traditional and Khoisan Leadership Act, 3 of 2019 (“**TKLA**”).
2. The core responsibilities for Mr Tjie in his capacity as the administrator, were to –
 - (a) assume power to exercise and perform any power, authority or function conferred or imposed by law, including customary law, upon the Traditional Council, and such power or function would be deemed to have been exercised and performed respectively by the Traditional Council; and
 - (b) have the competence and power to exercise any power, authority or perform functions that should ordinarily be conferred upon the Traditional Council in respect of subsidiary companies and such power and functions would be deemed to have been exercised and performed respectively by the Traditional Council.

3. For completeness purposes, we may also record that the above powers and functions conferred upon Mr Tjie, flowed from the recommendations of Baloyi Commission of Inquiry which was established in terms of section 127(2)(e) of the Constitution of the Republic of South Africa 1996, to investigate the affairs in the management of Bakgatla Ba Kgafela Traditional Council.
4. Mr Tjie's extended appointment terminated on the *31st March 2024*, and the Provincial Government has in line with the discretion contemplated in section 22(8) of TKLA, taken a considered decision not to extend such appointment but rather make a comprehensive review of the situation in Bakgalta Ba Kgafela affairs. This is in view of the provisions appointing an Administrator prescribing the period to one hundred and eighty (180) days. It is common cause that Mr Tjie has been an Administrator for more or less four (4) years now.
5. Thus effective from the expiry date of Mr Tjie's extended appointment as referred to above, the Traditional Council of Bakgatla Ba Kgafela is to exercise its powers and perform its functions as enshrined in section 20 of TKLA.
6. We hope your office will receive this correspondence favourably.

Kind regards,


Dr M.S BOLE
HEAD OF DEPARTMENT
DATE 05 July 2024