

11. DEPUTATE ALGEMENE SINODE 11. DEPUTIES GENERAL SYNOD

11.1 RAPPORT : APPÈLDEPUTATE

11.1 REPORT : APPEAL DEPUTIES

<p>1. Opdrag Handelinge 2012:28, 2.7.8.4; 2015:47, 6.3.2.</p> <p>2. Sake waarvan die Sinode kennis neem</p> <p>2.1 <i>Appèlprosedure (numering gebruik uit Handelinge 2012)</i> Punt 8.6 (kursief) moet bygevoeg word, omdat dit per abuis uit die prosedure uitgelaat is.</p> <p>8.1 Die Rapport van die Appèldeputate dien soos enige ander Deputaterapport op die eersvolgende vergadering.</p> <p>8.2 Slegs die Rapport van die Deputate word, sonder verdere toeligting deur die appelland of die betrokke mindere vergadering, ter tafel geneem. Aan die appelland en toeligter word geen spreekbeurt gegee nie.</p> <p>8.3 Voordat die vergadering oor die Rapport van die Deputate besin en besluit, verlaat alle persone wat betrokke was by die besluit van die betrokke mindere vergadering asook die appelland, indien teenwoordig, die vergadering.</p> <p>8.4 Indien die betrokke vergadering die werkwyse van die Deputate goedkeur, is die Appèl dienooreenkomstig beslis.</p> <p>8.5 Indien die betrokke vergadering nie die werkwyse van die Deputate goedkeur nie, moet skriftelike redes daarvoor en 'n gemotiveerde alternatiewe uitspraak deur die vergadering aan die appelland en die betrokke mindere vergadering verstrek word, by gebrek waarvan die Deputate se bevindings en aanbevole uitspraak geag word die bevindings en uitspraak van die betrokke vergadering te wees.</p> <p>8.6 <i>Die vergadering moet die wyse waarop die saak afgehandel word, nadat uitspraak gelewer is, goedkeur (kyk Handelinge 2012:28, 2.7.8.4).</i></p>	<p>1. Mandate Acts 2012: 28, 2.7.8.4; 2015:47, 6.3.2.</p> <p>2. Matters that the Synod take note of</p> <p>2.1 <i>Appeal procedure (numbering as per Acta 2012)</i> Point 8.6 (cursive) is to be added, having unintentionally been omitted from the procedure.</p> <p>8.1 The Report of the Deputies Appeal serves, as any other Deputies' Report, at the coming assembly.</p> <p>8.2 Only the Deputies' Report is tabled, without further elucidation by the appellant of the relevant minor assembly. Neither the appellant or elucidator is given a turn to speak.</p> <p>8.3 Prior to the assembly's consideration and decision making on the Deputies' Report, all persons involved in the decision of the relevant minor assembly as well as the appellant (if present) leave the assembly.</p> <p>8.4 Should the relevant assembly approve the method of the Deputies, the Appeal is judged accordingly.</p> <p>8.5 Should the relevant assembly not approve the method of the Deputies, the minor assembly is to elucidate such in writing and provide a motivated alternative judgement to the appellant and the relevant minor assembly. Upon failure to do so the Deputies' findings and recommended judgement will be deemed the findings and judgement of the relevant assembly.</p> <p>8.6 <i>The assembly is to approve the method the matter is resolved after the judgement has been made (see Acta 2012:28, 2.7.8.4).</i></p>
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<p>2.2 <i>Appèl GK Linden (Streeksinode Randvaal)</i></p> <p>2.2.1 Die Appèldeputate verstaan die besluit dat die opdrag aan KO, art 49 Deputate van Streeksinode Randvaal gegee is, om die regsgevolge van die geslaagde Appèl met GK Linden te hanteer. Vir die uitvoering hiervan tree Streeksinode Randvaal se KO, art 49 Deputate in oorleg met die Algemene Sinode se Appèldeputate op.</p> <p>2.2.2 Verskeie vergaderings is met die KO, art 49 Deputate van Streeksinode Randvaal gehou om op hoogte te bly van die verloop van die saak en om hulle van advies te bedien, binne die raamwerk van die geslaagde Appèl. (Notules van hierdie vergaderings is as ongepubliseerde Bylaes beskikbaar.)</p> <p>2.2.3 <u>Kerkregtelik</u></p> <p>2.2.3.1 Die Appèl het op die volgende 3 gronde geslaag:</p> <p>2.2.3.1.1 <i>5.2 Appèlgrond 1</i> Die Appellante beweer dat die Streeksinode Randvaal 'n onderskeiding tussen die letterlike en 'n "ander" wyse van verstaan en die toepassing van die Kerkorde handhaaf en onderskryf, 'n onderskeiding wat die Kerkorde self nie handhaaf nie.</p> <p>Ter ondersteuning van hulle standpunt beroep die Streeksinode Randvaal hulle op 'n ongeldige en ongenuanseerde wyse op dokumente van bepaalde kerkregtelikes.</p> <p>Daarmee word die normatiewe aard en gesag van die Kerkorde misken en gevolglik word die reg gekrenk.</p> <p>2.2.3.1.2 <i>5.3 Appèlgrond 2</i> Die Appellante beweer dat die Streeksinode Randvaal teenoor die Skrifbeginsel (vgl Acta 2012:24-27) dat getuies/getuienis deeglik getoets behoort te word voordat daar tot regspraak gekom kan word, die Klassis Groter Johannesburg gelyk gegee het sonder om aan te toon wat die getuienis is wat voor die Streek-</p>	<p>2.2 <i>Appeal GK Linden (Regional Synod Randvaal)</i></p> <p>2.2.1 The Deputies Appeal understand that the instruction was given to the Deputies CO, art 49 of Regional Synod Randvaal to address the legal consequences of the successful Appeal of GK Linden. The Deputies CO, art 49 are acting in consultation with the Deputies Appeal of the General Synod to address this matter.</p> <p>2.2.2 Various meetings were held with the Deputies CO, art 49 of Randvaal to stay abreast of the course of events and to offer advice within the framework of the successful Appeal. (Minutes of these meetings are available as unpublished Appendices.)</p> <p>2.2.3 <u>Church Law</u></p> <p>2.2.3.1 The Appeal succeeded on the following three grounds:</p> <p>2.2.3.1.1 <i>5.2 Appeal Ground 1</i> The appellants claim that the Regional Synod Randvaal makes a distinction between the literal and an "alternative" way of interpreting and upholds and endorses the application of the Church Order, a distinction that the Church Order itself does not uphold.</p> <p>The Regional Synod Randvaal substantiates their stance by calling, in an invalid and unnuanced way, on documents of certain church legalists.</p> <p>This devalues the normative nature and authority of the Church Order and consequently compromises justice.</p> <p>2.2.3.1.2 <i>5.3 Appeal Ground 2</i> The appellants claim that the Regional Synod Randvaal concedes the assertion of the Classis Greater Johannesburg regarding the Scriptural principle (cf. Acta 2012:24-27) that witnesses/testimony should be thoroughly tested before judgement is made, without indicating the content of the</p>
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<p>sinode Randvaal gedien het, op watter wyse die getuienis deur die Streeksinode Randvaal getoets is, of om die bewysvoering van die Appellante te weerlê.</p> <p>2.2.3.1.3 <u>5.4 Appèlgrond 3</u> Die Appellante beweer dat die Streeksinode Randvaal KO, art 30 krenk deur 'n uitspraak te maak wat aanleiding gee dat regspraak in terme van KO, artt 30 en 31 nie afgehandel kan word nie. (Handelinge 2015:38, 43, 45).</p> <p>2.2.3.1.4 Die implikasie van hierdie geslaagde Appèl is dat, indien die gemeente nie hieraan gehoor wil gee nie, sy haarself de jure buite kerkverband stel. Besluite van meerdere vergaderings is nie teoreties nie, maar bindend op al die kerke. As plaaslike kerke dit ignoreer, kom kerkverband in gedrang.</p> <p>2.2.4 <u>Advies aan die KO, art 49 Deputate van Streeksinode Randvaal</u></p> <p>2.2.4.1 Die saak kan verder hanteer en afgehandel word deur Klassis Groter Johannesburg met die hulp en advies van die KO, art 49 Deputate waardeur die uitspraak in praktyk gebring word.</p> <p>2.2.4.2 Dat gebly word by die kerklike weg vir die afhandeling van die Appèl vir restitusie (regsherstel) en rekonsiliasie (versoening).</p> <p>2.2.5 Een vergadering saam met Streeksinode Randvaal se KO, art 49 Deputate is saam met die Kerkraad van GK Linden gehou.</p> <p>2.2.6 <u>Advies aan GK Linden</u></p> <p>2.2.6.1 Kennis is geneem van gesprekke wat gevoer is en stappe wat reeds geneem is.</p> <p>2.2.6.2 Kennis is geneem van GK Linden se bewering dat hulle nie aangehoor is tydens die proses van Appèl nie en dus nie geleentheid gehad het om oor die hermeneutiek van die Kerkorde te kon praat nie.</p> <p>2.2.6.3 Kennis is geneem dat GK Linden nie bande met GKSA wil breek nie, maar is nie bereid om met die (aangewese Deputate van die) Algemene Sinode in hierdie saak</p>	<p>testimony presented to the Regional Synod Randvaal, the manner in which Regional Synod Randvaal reviewed it or to refute the evidence of the appellants.</p> <p>2.2.3.1.3 <u>5.4 Appeal Ground 3</u> The appellants claim that the Regional Synod Randvaal compromised CO, art 30 by making a judgement that makes offering judgement in terms of CO, arts 30 and 31 impossible (Acta 2015:38, 43, 45).</p> <p>2.2.3.1.4 The implication of the success of this Appeal is that should the congregation refuse to heed it, it would place itself <i>de jure</i> outside the denomination. The decisions of major assemblies are not theoretical, but binding to all churches. Should local churches ignore them, the denomination is under threat.</p> <p>2.2.4 <u>Advice to the Deputies CO, art 49 of Regional Synod Randvaal</u></p> <p>2.2.4.1 The matter can be addressed and resolved by Classis Greater Johannesburg with the aid and advice of the Deputies CO, art 49 whereby the judgement is put into practice.</p> <p>2.2.4.2 The Appeal could also continue to be addressed according to church procedure for resolving an Appeal for restitution (restoration of rights) and reconciliation.</p> <p>2.2.5 One of the meetings held with the Deputies CO, art 49 of Regional Synod Randvaal included the Church Council of the GK Linden.</p> <p>2.2.6 <u>Advice to GK Linden</u></p> <p>2.2.6.1 Note was taken of discussions held and steps taken.</p> <p>2.2.6.2 Note was taken of GK Linden's claim that they were not heard during the Appeals process and didn't have the opportunity to address the hermeneutics of the Church Order.</p> <p>2.2.6.3 Note was taken that GK Linden does not seek to break ties with the GKSA, but is not willing to continue this matter with the (appointed Deputies of the) General Synod, only with the</p>
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<p>verder te gaan nie, maar slegs met Klassis Groter Johannesburg.</p> <p>2.2.6.4 Dat GK Linden die pad van restituisie (regstelling) en rekonsiliasie (versoening) volg, en dit met die hulp en advies van Klassis Groter Johannesburg doen.</p> <p>2.2.6.5 Dat die kerklike weë gevolg word om die besluit van Sinode 2015 in praktyk uit te voer.</p> <p>2.2.6.6 Dat GK Linden die besluit (uitspraak) van Sinode 2015 nie kan ignoreer nie.</p> <p>2.2.6.7 Dat GK Linden sy bedieningspraktyke toets aan die Skrifgefundeerde riglyne van die Kerkorde.</p> <p>3. Sake waarvoor die Sinode besluit <u>Aanbevelings</u></p> <p>3.1 dat die Algemene Sinode die advies van die Deputate vir sy rekening neem.</p> <p>3.2 dat die Algemene Sinode aan Deputate kragtens KO, art 49 opdrag gee om die soeke na versoening tov die GK Linden-appèl, wat in 2015 geslaag het, ooreenkomstig punt 7.6.8 (Acta 2015:26) van die Appèlprosedure af te handel.</p> <p>3.3 dat daar ooreenkomstig die goedgekeurde Appèlprosedure weer Appèldeputate aangewys word.</p>	<p>Classis Greater Johannesburg.</p> <p>2.2.6.4 The GK Linden should take the path of restitution (restoration of rights) and reconciliation, with the aid and advice of Classis Greater Johannesburg.</p> <p>2.2.6.5 Church procedure should be followed to execute the decision of Synod 2015.</p> <p>2.2.6.6 GK Linden should not disregard the decision (judgement) of Synod 2015.</p> <p>2.2.6.7 GK Linden should test its ministry practices against the Scripturally based guidelines of the Church Order.</p> <p>3. Matters that the Synod decide on <u>Recommendations</u></p> <p>3.1 the General Synod take into account the advice of the Deputies;</p> <p>3.2 the General Synod instruct Deputies CO, art 49 to seek the reconciliatory resolution of the GK Linden Appeal that succeeded in 2015, in accordance to point 7.6.8 (Acta 2015:26) of the Appeal procedure; and</p> <p>3.3 the next Deputies Appeals are appointed, in accordance to the approved appeal procedure.</p>
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Rapporteur: Ds CA Jansen

Reporter: Rev CA Jansen