

**12.2.2 BESWAARSKRIF (KO, ARTT 31 EN 46) VAN DS FM DREYER TEEN DIE BESLUIT VAN DIE ALGEMENE SINODE 2015 OOR DIE APPÈL TEEN 'N BESLUIT VAN STREEKSINODE RANDVAAL**

**12.2.2 PETITION OF PROTEST (CO, ARTS 31 AND 46) OF REV FM DREYER AGAINST DECISION OF THE GENERAL SYNOD 2015 ON THE APPEAL AGAINST A DECISION OF REGIONAL SYNOD RANDVAAL**

<p><b>1. Inleiding : Beswaarskrif</b></p> <p>1.1 Die Beswaarskrif word ingedien (KO, artt 31 en 46) omdat die Algemene Sinode 2015 se besluite oor die Appèl teen 'n besluit van Streeksinode Randvaal, regspraak in die lig van die Skrif en Presbiteriale kerkregering verkrag.</p> <p>1.2 Die Beswaarskrif word, in die lig van die Algemene Sinode 2012 se besluite (Acta 2012:23-24, 5), direk by die Algemene Sinode ingedien.</p> <p>1.3 Die Algemene Sinode word versoek dat die Deputate vir Appèl – wat die Appèlle by die Algemene Sinode 2015 hanteer het – nie as Regsdeputate aanbevelings oor die Beswaarskrif maak nie. Die inhoud van die Beswaarskrif hanteer die Deputate se aanbevelings aan Sinode 2015 oor die Appèl. Die Deputate kan nie as regter in eie saak optree nie.</p> <p>1.4 Die Beswaarskrif word ingedien met die inligting wat beskikbaar is. Per e-pos is die Appèl en die hantering van die Appèl deur die Deputate vir Appèl aangevra. Geen inligting is tot op hede – 18 Augustus 2015 – ontvang nie.</p> <p><b>2. Besluite : Beswaar</b> Beswaar word gemaak teen die volgende besluite van die Algemene Sinode 2015 (Acta 2015:46, 6.2.1):</p> <p>2.1 <i>Besluit 1 (Acta 2015:35, 1)</i> 1. <i>Ontvanklikheid: Formeel</i> 1.1 <i>Kennisgewing van Appèl is binne ses weke aan beide die Streeksinode Randvaal asook die Algemene Sinode gegee.</i> 1.2 <i>Die besluit waarteen geappelleer word is uit die aangehegte offisiële redaksie korrek aangehaal.</i> 1.3 <i>Die Appèl toon gronde vir Appèl aan.</i> <i>Besluit: Punte 1.1 tot 1.3 kennis geneem.</i></p> <p>2.2 <i>Besluit 2 (Acta 2015:35, 2)</i></p>	<p><b>1. Introduction: Petition of Protest</b></p> <p>1.1 The Petition is submitted (CO, arts 31 and 46) since the General Synod 2015 decisions on the Appeal against a decision of Regional Synod Randvaal, do not give valid judgment in the light of Scripture and Presbyterian church government.</p> <p>1.2 The Petition is, in light of the decisions of General Synod 2012 decisions (Acta 2012:23-24, 5), submitted directly to the General Synod.</p> <p>1.3 The General Synod is requested that the Deputies for Appeals – who handled the Appeals at the General Synod in 2015 – do not make as 'Regsdeputate' recommendations on the Petition. The content of the Petition concerns the Deputies' recommendations to Synod 2015 on the Appeals. The Deputies can not judge their own case.</p> <p>1.4 The Petition is submitted with the information available. By e-mail, the Appeal and the handling of the Appeal were requested from the Deputies for Appeal. No information was received to date – August 18, 2015 – received.</p> <p><b>2. Decisions : Protest</b> Objection is made to the following decisions of the General Synod 2015 (Acta 2015:46, 6.2.1):</p> <p>2.1 <i>Resolution 1 (Acta 2015:35, 1)</i> 1. <i>Admissibility: Formal</i> 1.1 <i>Notice of appeal was given to both Regional Synod Randvaal as well as the General Synod within six weeks.</i>  1.2 <i>The decision being appealed is accurately cited from the official redaction (attached).</i> 1.3 <i>The Appeal provides the grounds for appeal.</i> <i>Decision: Points 1.1 to 1.3 noted.</i></p> <p>2.2 <i>Resolution 2 (Acta 2015:35, 2)</i></p>
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<p>2. <i>Ontvanklikheid: Inhoudelik</i></p> <p>2.1 <i>Die saak het formeel kragtens KO, art 46 nie reeds by die vergadering gedien nie.</i></p> <p>2.2 <i>Daar is duidelike gronde in terme van KO, art 31 in die Appèl aangedui.</i></p> <p><u><i>Besluit: Punte 2.1 en 2.2 kennis geneem.</i></u></p> <p>2.3 <i>Besluit 3 (Acta 2015:46, 6.2.1)</i></p> <p>6.2 <i>Uitspraak</i></p> <p>6.2.1 <i>Dat die Appèl in sy geheel op al die gronde slaag.</i></p> <p><u><i>Besluit: Punte 6.1 tot 6.2.1 kennis geneem. Die Deputate het volgens die goedgekeurde werkswyse gehandel en regspraak volgens opdrag gelewer.</i></u></p> <p><b>3. Beswaargrond 1</b></p> <p>Die Appèl is, in die lig van KO, artt 30, 31 en 46, <b><u>NIE ONTVANKLIK</u></b> vir behandeling op die tafel van die Algemene Sinode <b><u>NIE</u></b>.</p> <p>3.1 <i>Motivering : Beswaargrond 1</i></p> <p>3.1.1 Die Algemene Sinode neem kennis van die aanbeveling van die Deputate vir Appèl oor die ontvanklikheid van die Appèl (Acta 2015:35, 1 en 2).</p> <p>3.1.2 Bogenoemde aanbeveling van die Deputate bring nie al die inligting oor die ontvanklikheid na vore nie.</p> <p>3.1.3 Al die besluite oor die saak is nie in die lig van KO, art 46 verreken nie.</p> <p>3.1.4 Die appellante appelleer teen 'n besluit van Streeksinode Randvaal 2014 (Acta 2014:25-37). Die besluit van die Streeksinode is geneem oor 'n Appèl van die appellante teen 'n besluit van Klassis Groter Johannesburg van 26 Julie 2014.</p> <p>3.1.5 Die Streeksinode besluit dat die Appèl van die appellante in sy geheel slaag (Acta 2014:37).</p> <p>3.1.6 Die besluit van die Streeksinode het die besluit van Klassis Groter Johannesburg, wat volgens die appellante hulle reg gekrenk het, vernietig (KO, art 31). Die rede/oorsaak dat hulle reg – soos in die Appèl voor die Streeksinode betoog – gekrenk is (KO, art 31), is met die besluit van die Streeksinode uit die weg geneem.</p> <p>3.1.7 Die Streeksinode Randvaal het die saak met sy besluit, wat die Appèl</p>	<p>2. <i>Admissibility: Content</i></p> <p>2.1 <i>The matter has not formally, in terms of CO, art 46, been tabled at the assembly.</i></p> <p>2.2 <i>Appeal grounds are clearly set out in the appeal in accordance with CO, art 31.</i></p> <p><u><i>Decision: Points 2.1 and 2.2 noted.</i></u></p> <p>2.3 <i>Resolution 3 (Acta 2015:46 6.2.1)</i></p> <p>6.2 <i>Decision</i></p> <p>6.2.1 <i>The Appeal succeeds on all grounds.</i></p> <p><u><i>Decision: Points 6.1 to 6.2.1 noted. The Deputies acted according to the according to the approved working method and deliver decision according to mandate.</i></u></p> <p><b>3. Basis of protest 1</b></p> <p>The Appeal is, in the light of CO, arts 30, 31, and 46 <b><u>NOT ADMISSIBLE</u></b> to be tabled for adjudication by the General Synod.</p> <p>3.1 <i>Motivation: Basis of protest 1</i></p> <p>3.1.1 The General Synod took note of the recommendation of the Deputies for Appeal on the admissibility of the Appeal (Acta 2015:35, 1 and 2).</p> <p>3.1.2 The above recommendation of the Deputies does not give all the information regarding the admissibility.</p> <p>3.1.3 All decisions on the matter are not accounted for in the light of CO, art 46.</p> <p>3.1.4 The appellants appeal against a decision of Regional Synod Randvaal 2014 (Acta 2014:25-37). The decision of the Regional Synod is made on an appeal of the appellants against a decision of Classis Greater Johannesburg July 26, 2014.</p> <p>3.1.5 The Regional Synod decided that the appeal of the appellants succeeds in its entirety (Acta 2014:37).</p> <p>3.1.6 The decision of the Regional Synod, destroyed the decision (CO, art 31) of Classis Greater Johannesburg, which according to the appellants has violated their right. The reason/cause of this violation – as alleged in the appeal before the Regional Synod – was removed by the decision of the Regional Synod.</p> <p>3.1.7 The decision of Regional Synod Randvaal, that the Appeal succeeds,</p>
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<p>laat slaag, weer op die tafel van Klassis Groter Johannesburg geplaas vir behandeling (KO, artt 30 en 31). In die lig hiervan is die Appèl nie ontvanklik as deel van die Algemene Sinode se Agenda nie. Op meerdere vergaderings KAN/MOET alleen sake behandel word wat nie op 'n mindere vergadering afgehandel kan word nie.</p> <p>3.1.8 Die appellante betoog in hulle Appèl, dat 'n besluit van Streeksinode Randvaal wat hulle Appèl teen 'n besluit van Klassis Groter Johannesburg in sy geheel laat slaag het, hulle reg gekrenk het.</p> <p>3.1.9 Hoe 'n besluit, wat 'n Appèl handhaaf, die reg kan krenk is 'n vraag wat nie in die lig van die Kerkordelike bepalings oor Appèlle beantwoord kan word nie.</p> <p>3.1.10 In die lig van die Kerkorde het die besluit van die Algemene Sinode 2015 wat die Appèl laat slaag, die besluit van die Streeksinode vernietig. Dit beteken in wese dat die Appèl van die appellante by Streeksinode Randvaal nie geslaag het nie en dat die besluit van die Algemene Sinode die besluit van Klassis Groter Johannesburg van 26 Julie 2014 handhaaf.</p> <p>3.2 <i>Bevinding : Beswaargrond 1</i></p> <p>3.2.1 Die motivering bewys dat die Appèl van brs Kruger, Howell en Smit nie ontvanklik is as deel van die Agenda van die Algemene Sinode 2015 nie.</p> <p>3.2.2 Om te appelleer teen 'n besluit wat 'n appèl handhaaf, is nie versoenbaar met die Presbiteriale kerkregering soos dit in die bepalings van die Kerkorde neerslag vind nie en ook nie met algemene regsbeginsele nie.</p> <p><b>4. Beswaargrond 2</b></p> <p>Die besluit van die Algemene Sinode 2015, dat die Deputate vir Appèl in hulle hantering van die Appèl volgens die 'goedgekeurde' werkswyse gehandel het, is in stryd met die Negende Gebod.</p> <p>4.1 <i>Motivering : Beswaargrond 2</i></p> <p>4.1.1 Die 'goedgekeurde' werkswyse waarna die besluit verwys, is die werkswyse wat die Studiedeputate</p>	<p>has placed the matter on the table of Classis Greater Johannesburg for adjudication (CO, arts 30 and 31). In light of this, the Appeal is inadmissible as part of the General Synod's Agenda. Major assemblies CAN/MUST deal only with matters that could not be finalized in minor assemblies.</p> <p>3.1.8 The appellants argued in their Appeal that a decision of Regional Synod Randvaal that their Appeal against a decision of Classis Greater Johannesburg succeeds in its entirety, has violated their right.</p> <p>3.1.9 How you can be wronged by a decision that let you Appeal succeeds, is a question that can not be answered in light of the Church Order provisions on Appeals.</p> <p>3.1.10 In the light of the Church Order, the decision of the General Synod 2015 that the appeal succeed, annul the decision of the Regional Synod. This essentially means that the appeal of the appellants in Regional Synod Randvaal did not succeed and that the decision of the General Synod maintains the decision of Classis Greater Johannesburg July 26, 2014.</p> <p>3.2 <i>Finding : Basis of protest 1</i></p> <p>3.2.1 The motivation proves that the appeal of brs Kruger, Howell and Smith was inadmissible as part of the agenda of the General Synod 2015.</p> <p>3.2.2 To appeal against a decision that has succeeded an appeal, is not compatible with the Presbyterian church government as found in the Church Order, nor with general legal principles.</p> <p><b>4. Basis of protest 2</b></p> <p>The decision of the General Synod in 2015, that the Deputies for Appeal acted according to the approved working method and deliver verdict according to mandate, is in violation of the Ninth Commandment.</p> <p>4.1 <i>Motivation : Basis of protest 2</i></p> <p>4.1.1 The 'approved' working method referred to by the decision is the Appeal procedure that was submitted</p>
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<p>oor Appèlprosedures in hulle Rapport (Acta 2015:23-27, 3), aan die Algemene Sinode 2015 voorgelê het vir besluitneming.</p>	<p>tabled by the Study Deputies in their Report (Acta 2015:23-27, 3), to the General Synod 2015 for approval.</p>
<p>4.1.2 Die werkswyse/prosedure vir die hantering van Appèlle word in die Rapport, in agt (8) punte uiteengesit.</p>	<p>4.1.2 The procedure for handling appeals is outlined in the Report in eight (8) points.</p>
<p>4.1.3 Die Algemene Sinode 2015 neem net, in die lig van 'n ad hoc kommissie se verslag, 'n besluit oor die laaste punt (pt 8) van die werkswyse. Die besluit word geneem voordat daar oor die Rapport van die Studiedeputate, en daarmee oor die werkswyse, besluit is (Notule 2015:N53, art 231).</p>	<p>4.1.3 The General Synod 2015 only took in light of an ad hoc commission's Report, a decision on the last point (pt 8) of the procedure. This decision were taken before decisions were made on the Report of the Study Deputies (Minutes 2015, N53, art 231).</p>
<p>4.1.4 Die werkswyse van die Deputate vir Appèl, wat die Algemene Sinode moet goedkeur (Acta 2015:26, 8.4 en 8.5), is die werkswyse wat in pte 1-7 van die Studiedeputate se Rapport voorgestel is.</p>	<p>4.1.4 The working method of the Deputies for Appeal, which must be approved by the General Synod (Acta 2015:26, 8.4 and 8.5), is the procedure that has been proposed in pts 1-7 of the Report of the Study Deputies.</p>
<p>4.1.5 Die werkswyse soos voorgestel in pte 1-7 was, toe die besluit oor die Appèl geneem is, nog nie deur die Algemene Sinode goedgekeur nie;</p>	<p>4.1.5 The working method as proposed in pts 1-7, was not yet, when the decision on the Appeal was taken, approved by the General Synod;</p>
<p>4.1.6 Aangesien die werkswyse nog nie goedgekeur was nie, kon die Deputate, nie die Appèl daarvolgens hanteer nie en kon die Algemene Sinode nie besluit dat die Deputate volgens die 'goedgekeurde' werkswyse gehandel het nie.</p>	<p>4.1.6 Since the procedure had not yet been approved, the Deputies could not have dealt with the Appeal according to the approved working method and the General Synod could not have decided that they did so.</p>
<p>4.1.7 Die Deputate vir Appèl het nie die Appèlle in die lig van die voorgestelde werkswyse behandel nie want:</p>	<p>4.1.7 The Deputies for Appeal did not deal with the Appeals in light of the proposed working method because:</p>
<p>4.1.7.1 die Deputate het die Appèl voor die Algemene Sinode 2015 hanteer;</p>	<p>4.1.7.1 the Deputies handled the Appeals before the General Synod in 2015;</p>
<p>4.1.7.2 die werkswyse soos voorgestel deur die Studiedeputate is eers by die Algemene Sinode 2015 ter tafel gebring vir besluitneming;</p>	<p>4.1.7.2 the procedure as proposed by the Study Deputies was only tabled at the General Synod 2015 for approval;</p>
<p>4.1.7.3 die werkswyse soos voorgestel deur die Studiedeputate is nie deur die Algemene Sinode 2015 goedgekeur voordat daar oor die Appèl besluit is nie;</p>	<p>4.1.7.3 the working method as proposed by the Study Deputies was not approved by the General Synod 2015 before the decision on the Appeal;</p>
<p>4.1.7.4 die Rapporte van die Deputate vir Appèl wat by die Algemene Sinode 2015 dien, dui duidelik aan dat dit in uitvoering van die opdrag van die Algemene Sinode 2012 gedoen is (Acta 2015:35, E);</p>	<p>4.1.7.4 the Reports of the Deputies for Appeal submitted to the General Synod in 2015, clearly indicates that it was done in light of the instruction of the General Synod 2012 (Acta 2015:35, E);</p>
<p>4.1.7.5 die feit dat die Deputate vir Appèl,</p>	<p>4.1.7.5 the fact that the Deputies for Appeal,</p>

<p>die Appèlle nie in die lig van die voorgestelde werkswyse deur die Studiedeputate hanteer het nie, is deur die Skriba van die Deputate per e-pos bevestig.</p>	<p>did not deal with the Appeals in light of the working method proposed by the Study Deputies was confirmed by e-mail by the secretary of the Deputies.</p>
<p>4.2 <i>Bevinding : Beswaargrond 2</i> In die lig van bogenoemde motivering is die besluit van die Algemene Sinode 2015, dat die Deputate vir Appèl met die Appèl, volgens die goedgekeurde werkswyse gehandel en regspraak volgens opdrag gegee het, nie waar nie en strydig met die Negende Gebod.</p>	<p>4.2 <i>Finding : Basis of protest 2</i> In view of the above motivation, the decision of the General Synod 2015, that the Deputies for Appeal dealt with this Appeal according the approved working method, and delivered valid judgment, is untrue and in breach of the Ninth Commandment.</p>
<p><b>5. Samevatting</b></p>	<p><b>5. Summary</b></p>
<p>5.1 Die beswaargrond toon aan dat, die uitspraak en bevinding van die Deputate vir Appèl en die besluit van die Algemene Sinode 2015 daaroor, nie geldige regspraak gelewer het nie maar die reg gekrenk het. In die lig hiervan word die Algemene Sinode versoek om die besluit oor die Appèl nietig te verklaar.</p>	<p>5.1 The basis of protests proves that the judgment and decision of the Deputies for Appeal, and the decision of the General Synod 2015 in this regard has not delivered valid judgment but violated the law. In light of this the General Synod is requested to annul the decision on the Appeal.</p>
<p>5.2 Aangesien die saak deur die besluit van Streeksinode Randvaal 2014 op die tafel van die Klassis Groter Johannesburg geplaas is vir behandeling, is hierdie Appèl – in die lig van KO, artt 30 en 46 – nie verder ontvanklik as deel van die Agenda van ‘n Algemene Sinode nie.</p>	<p>5.2 Since the matter by the decision of Regional Synod Randvaal 2014 was placed on the table of the Classis Greater Johannesburg for adjudication, this appeal is – in terms of CO, arts 30 and 46 – no longer admissible as part of the Agenda of the General Synod.</p>
<p>5.3 Die Rapport van die Deputate oor die Appèl is versprei en in die elektroniese Acta van die Sinode opgeneem onder die benaming as <u>‘Appèl Linden Finaal’</u>. Die benaming wys die volgende ernstige gebreke uit in die hantering van die saak:</p>	<p>5.3 The Report of the Deputies on this Appeal is distributed and recorded in the electronic Acta of the Synod under the designation <u>Appeal Linden Final</u>. The designation shows the following serious deficiencies in the handling of the case:</p>
<p>5.3.1 In kollegialistiese kerkregering kan ‘n Algemene Sinode besluite oor gemeentes neem en Deputate aanwys word om die besluite in gemeentes af te dwing (Acta 2015:47, 6.3.2). Presbiteriaal (KO, artt 33 en 36) kan sodanige besluite nie as bindend deur die gemeentes aanvaar word nie.</p>	<p>5.3.1 In collegialist church government a General Synod can take decisions about local churches and appoint Deputies to enforce the decisions in the congregation (Acta 2015:47, 6.3.2). In Presbyterial church government (CO, arts 33 and 36) such decisions cannot be accepted by the churches as binding.</p>
<p>5.3.2 Die Rapport van die Deputate vir Appèl maak bevindings en uitsprake oor ‘n gemeente. Die bevindings en uitsprake word deur die besluit van die Algemene Sinode aanvaar. Die besluite en werkswyse is, in die lig</p>	<p>5.3.2 The Report of the Deputies for Appeal make findings and judgments about a local congregation. Their findings and comments are accepted by the decision of the General Synod. This decisions and way of handling matters</p>

<p>van die Skrif (Matt 18) en die algemene beginsels vir regspraak, 'n skandvlek vir die kerk. Hoe kan daar van regspraak sprake wees indien die party wat geoordeel en veroordeel word, nie gehoor word nie?</p> <p>5.4 Dat probleme en frustrasies bestaan met Appèlle en die hantering daarvan is duidelik uit die besluite van die Algemene Sinode. Die oplossing vir die probleme lê in die Skrifgefundeerde wyse van kerkregering – die Presbiteriale wyse – soos dit neerslag vind in die Kerkorde.</p>	<p>are, in the light of the Scriptures (Matt 18) and the general principles of justice, a reproach to the church. How can valid judgment be given if the party judged and condemned, is not heard?</p> <p>5.4 That problems and frustrations exist in dealing with Appeals is clear from the decisions of the General Synod. The solution to the problems lies in the Scriptural sound way of church government – the Presbyterial way – as it is found in the Church Order.</p>
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*Toeligter:* Ds FM Dreyer

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