11. DEPUTATE ALGEMENE SINODE
11. DEPUTIES GENERAL SYNOD

11.1 RAPPORT : APPÈLDEPUTATE (Artt 265, 322)

11.1 REPORT : APPEAL DEPUTIES (Arts 265, 322)

A. Ds CA Jansen stel die Rapport.
Rev CA Jansen tables the Report.

B. **Besluit:** Verwys Rapport na Kommissie Beswaarskrifte 3.
Decision: Refer Report to Commission Gravamina 3.

C. Ds PW Kurpershoek rapporteer namens Kommissie Beswaarskrifte 3.
Rev PW Kurpershoek reports on behalf of Commission Gravamina 3.

D. **RAPPORT / REPORT**

1. Opdrag Handelinge 2012:28, 2.7.8.4; 2015:47, 6.3.2.	**1. Mandate** Acts 2012: 28, 2.7.8.4; 2015:47, 6.3.2.
2. Sake waarvan die Sinode kennis neem	**2. Matters that the Synod take note of**
2.1 *Appèlprosedure (numering gebruik uit Handelinge 2012)* Punt 8.6 (kursief) moet bygevoeg word, omdat dit per abuis uit die prosedure uitgelaat is. 8.1 Die Rapport van die Appèldeputate dien soos enige ander Deputaterapport op die eersvolgende vergadering. 8.2 Slegs die Rapport van die Deputate word, sonder verdere toeligting deur die appellant of die betrokke mindere vergadering, ter tafel geneem. Aan die appellant en toeligter word geen spreekbeurt gegee nie. 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 appellant, indien teenwoordig, die vergadering. 8.4 Indien die betrokke vergadering die werkwyse van die Deputate goedkeur, is die Appèl dienooreenkomstig beslis. 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 appellant en die betrokke mindere vergadering verstrek word, by	2.1 *Appeal procedure (numbering as per Acta 2012)* Point 8.6 (cursive) is to be added, having unintentionally been omitted from the procedure. 8.1 The Report of the Deputies Appeal serves, as any other Deputies’ Report, at the coming assembly. 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. 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. 8.4 Should the relevant assembly approve the method of the Deputies, the Appeal is judged accordingly. 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

gebrek waarvan die Deputate se bevindings en aanbevole uitspraak geag word die bevindings en uitspraak van die betrokke vergadering te wees. *8.6 Die vergadering moet die wyse waarop die saak afgehandel word, nadat uitspraak gelewer is, goedkeur (kyk Handelinge 2012:28, 2.7.8.4).*	and recommended judgement will be deemed the findings and judgement of the relevant assembly. *8.6 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).*
2.2 *Appèl GK Linden (Streeksinode Randvaal)*	2.2 *Appeal GK Linden (Regional Synod Randvaal)*
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.	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.
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.)	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.)
2.2.3 <u>Kerkregtelik</u>	2.2.3 <u>Church Law</u>
2.2.3.1 Die Appèl het op die volgende 3 gronde geslaag:	2.2.3.1 The Appeal succeeded on the following three grounds:
2.2.3.1.1 *5.2 Appèlgrond 1* 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. Ter ondersteuning van hulle standpunt beroep die Streeksinode Randvaal hulle op 'n ongeldige en ongenuanseerde wyse op dokumente van bepaalde kerkregtelikes. Daarmee word die normatiewe aard en gesag van die Kerkorde misken en gevolglik word die reg gekrenk.	2.2.3.1.1 *5.2 Appeal Ground 1* 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. The Regional Synod Randvaal substantiates their stance by calling, in an invalid and unnuanced way, on documents of certain church legalists. This devalues the normative nature and authority of the Church Order and consequently compromises justice.

2.2.3.1.2 *5.3 Appèlgrond 2* 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 Streeksinode Randvaal gedien het, op watter wyse die getuienis deur die Streeksinode Randvaal getoets is, of om die bewysvoering van die Appellante te weerlê.	2.2.3.1.2 *5.3 Appeal Ground 2* 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 testimony presented to the Regional Synod Randvaal, the manner in which Regional Synod Randvaal reviewed it or to refute the evidence of the appellants.
2.2.3.1.3 *5.4 Appèlgrond 3* 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).	2.2.3.1.3 *5.4 Appeal Ground 3* 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).
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.	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 *de jure* 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.
2.2.4 <u>Adviese aan die KO, art 49 Deputate van Streeksinode Randvaal</u>	2.2.4 <u>Advice to the Deputies CO, art 49 of Regional Synod Randvaal</u>
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.	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.
2.2.4.2 Dat gebly word by die kerklike weg vir die afhandeling van die Appèl vir restitusie (regsherstel) en rekonsiliasie (versoening).	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.
2.2.5 Een vergadering saam met Streeksinode Randvaal se KO, art 49 Deputate is saam met die Kerkraad van GK Linden gehou.	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.
2.2.6 <u>Advies aan GK Linden</u>	2.2.6 <u>Advice to GK Linden</u>
2.2.6.1 Kennis is geneem van gesprekke wat gevoer is en stappe wat reeds geneem is.	2.2.6.1 Note was taken of discussions held and steps taken.

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.	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.
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 verder te gaan nie, maar slegs met Klassis Groter Johannesburg.	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 Classis Greater Johannesburg.
2.2.6.4 Dat GK Linden die pad van restitusie (regstelling) en rekonsiliasie (versoening) volg, en dit met die hulp en advies van Klassis Groter Johannesburg doen.	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.
2.2.6.5 Dat die kerklike weë gevolg word om die besluit van Sinode 2015 in praktyk uit te voer.	2.2.6.5 Church procedure should be followed to execute the decision of Synod 2015.
2.2.6.6 Dat GK Linden die besluit (uitspraak) van Sinode 2015 nie kan ignoreer nie.	2.2.6.6 GK Linden should not disregard the decision (judgement) of Synod 2015.
2.2.6.7 Dat GK Linden sy bedieningspraktyke toets aan die Skrifgefundeerde riglyne van die Kerkorde.	2.2.6.7 GK Linden should test its ministry practices against the Scripturally based guidelines of the Church Order.
3. Sake waaroor die Sinode besluit	**3. Matters that the Synod decide on**
Aanbevelings	Recommendations
3.1 dat die Algemene Sinode die advies van die Deputate vir sy rekening neem.	3.1 the General Synod take into account the advice of the Deputies;
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.	3.2 the General Synod instruct Deputies CO, art 49 to seek the reconciliatory sresolution of the GK Linden Appeal that succeeded in 2015, in accordance to point 7.6.8 (Acta 2015:26) of the Appeal procedure; and
3.3 dat daar ooreenkomstig die goedgekeurde Appèlprosedure weer Appèldeputate aangewys word.	3.3 the next Deputies Appeals are appointed, in accordance to the approved appeal procedure.

E. RAPPORT VAN KOMMISSIE BESWAARSKRIFTE 3/ REPORT OF COMMISSION GRAVAMINA 3

1. Sake om oor te besluit	**1. Matters to be decided on**
1.1 *Ten opsigte van 1 van Rapport*	1.1 *With regard to 1 of Report*
Neem kennis.	Take note.
Besluit: Kennis geneem.	**Decision: Noted.**
1.2 *Ten opsigte van 2.1 van Rapport*	1.2 *With regard to 2.1 of Report*
1.2.1 Verwys na Studiedeputate Appèlprosedure vir afhandeling.	1.2.1 Refer to Study Deputies Appeal Procedure to finalise.
Motivering	Motivation
1.2.2 Beswaarskrif 11.2 het geslaag en die Appèlprosedure is vir hersiening na	1.2.2 Petition of protest 11.2 has succeeded and the Appeal Procedure has been

Studiedeputate verwys.	referred to Study Deputies for revision.
1.2.3 Hierdie saak is deel van die hersiening van die Appèlprosedure.	1.2.3 This matter is part of the revision of the Appeal Procedure.
Besluit: Goedgekeur.	**Decision: Approved.**
1.3 *Ten opsigte van 2.2 van Rapport*	1.3 *With regard to 2.2 of Report*
1.3.1 Neem kennis.	1.3.1 Take note.
Motivering	Motivation
1.3.2 2.2 gee uiteensetting van die optrede van die Deputate.	1.3.2 2.2 relates the actions of the Appeal Deputies.
Besluit: Kennis geneem.	**Decision: Noted.**
1.4 *Ten opsigte van 3.1 van Rapport*	1.4 *With regard to 3.1 of Report*
1.4.1 Word soos volg bewoord en goedgekeur: *dat die Algemene Sinode **van** die advies van die Deputate **kennis neem***.	1.4.1 Is phrased as follows and accepted: *the General Synod **take note of** the advice of the Deputies*
Motivering	Motivation
1.4.2 Tydens Sinode 2015 het 'n Appèl teen 'n besluit van Streeksinode Randvaal geslaag (Acta 2015:35-47, 12.2).	1.4.2 During Synod 2015 an appeal against a decision of Regional Synod Randvaal succeeded (Acta 2015:35-47, 12.2).
1.4.3 Rondom die afhandeling van die saak het die Algemene Sinode soos volg besluit: *In die lig van die spesifieke problematiek wat die Appèlskrif aanspreek, beveel die Deputate aan dat die versoeke van die Appellante, soos aangedui in 3.3 van hulle Appèlskrif, na die te benoeme Deputate, KO, art 49 verwys word om in oorleg met die Appèldeputate oor die saak te handel.*	1.4.3 With regard to the finalisation of the matter the General Synod decided as follows: *In light of the specific issue the Appeal addresses, the Deputies recommend that the appellants' requests, as indicated in 3.3 of their Appeal, be referred to the yet to be appointed Deputies CO, art 49 to address the matter in consultation with the Deputies Appeal.*
1.4.4 Aangesien Sinode 2015 geen Deputate KO, art 49, aangewys het nie, het daar onsekerheid ontstaan oor die vraag of die besluit verwys na Deputate van die Algemene Sinode of na Deputate van die Streeksinode.	1.4.4 As Synod 2015 didn't appoint Deputies CO, art 49, because there was an uncertainty with regard to the question whether the decision refers to Deputies of the General Synod or Deputies of the Regional Synod.
1.4.5 'n Algemene Sinode kan egter nie vir 'n Streeksinode aandui dat hulle Deputate KO, art 49, moet aanwys nie.	1.4.5 A General Synod cannot tell a Regional Synod to appoint Deputies CO, art 49.
1.4.6 In die lig van bostaande kan die Sinode nie die werkswyse en gevolglike advies van die Appèldeputate vir sy rekening neem nie.	1.4.6 In light of the above, Synod cannot take for its reckoning the working method and resulting advice.
Besluit: Goedgekeur.	**Decision: Approved.**
1.5 Ten opsigte van 3.2 van Rapport	1.5 *With regard to 3.2 of Report*
1.5.1 Word soos volg bewoord en goedgekeur: *dat die Algemene Sinode Deputate kragtens KO, art 49, **aanwys met die opdrag** om Klassis Groter Johannesburg by te staan om die soeke na versoening tov die GK Linden-appèl, wat in 2015 geslaag het, ooreenkomstig punt 7.6.8 (Acta*	1.5.1 Is phrased as follows and accepted: *the General Synod appoints Deputies CO, art 49 **with the mandate** to assists Classis Greater Johannesburg 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*

2015:26) van die Appèlprosedure af te handel.	*procedure;*
Motivering	Motivation
1.5.2 Hiermee word duidelik gestel dat die Deputate kragtens KO, art 49, Deputate van die Algemene Sinode is.	1.5.2 In this way it is clearly stated that the Deputies CO, article 49, are Deputies appointed by the General Synod.
1.5.3 Hierdie Deputate is nodig, aangesien die proses tot dusver gewys het dat die versoening nie plaaslik en binne Klassis Groter Johannesburg afgehandel kon word nie.	1.5.3 These Deputies are needed, as the process so far has shown that reconciliation could not be completed locally and within Classis Greater Johannesburg.
Besluit: Goedgekeur (wysigings reeds aangebring – Deputate Handelinge).	**Decision: Approved (amendments already added – Deputies Acta).**
1.6 *Ten opsigte van 3.3 van Rapport* Keur goed.	1.6 *With regard to 3.3 of Report* Accept.
Besluit: Goedgekeur.	**Decision: Approved.**