

12. Appeals and Petitions of Protest

12.1 DEPUTIES: PRE-ADVICE REGARDING ADMISSIBILITY OF PETITIONS OF PROTEST (Art 33)

- A. Rev HJP de Beer tables the Report.
- B. The Report will be concluded during the Synod session.

C. REPORT

1. Mandate

The mandate of the Law Commission is to advise the Synod regarding the admissibility of all appeals (in terms of new procedures approved for Appeals – Acta, 2012:27, 2) and Petitions of Protest (Acta, 1991:540, E2).

Decision: Noted.

2. Matters that the Synod take note of

2.1 Procedure

The following were addressed:

Synod Decision 2012

5.1 *The finding of Synod 1994 that two ways of submitting Petitions of Protest (2.7 and 4.1 of this Report) be upheld, with the consequent intent that these (the two ways) be applied in church assemblies.*

5.2 *Motivation*

5.2.1 *A Petition of Protest should preferably be conducted according to CO, art 33, in order to give local churches and major assemblies the opportunity to review the Petition for any necessary refinement and/or advice on further action.*

5.2.2 *Should a Petition of Protest, following CO, art 33, not garner the requisite support and the petitioner(s) not accept the advice of the relevant minor assembly, the petitioner(s) may still submit the Petition for consideration to the assembly that made the decision.*

5.2.3 *A major assembly is to carefully take into account Church Orderly principles as set out in CO, artt 30, 33 and 46 when judging the admissibility of matters in relation to CO, art 46 and guard against summarily and rigidly declaring any matter inadmissible.*

5.2.4 *This method/procedure ensures that each matter under CO, art 46 are judged on its own content and merit (Acta 2012:23).*

Specific aspects reviewed to determine admissibility (Acta 2003:43, 3.2):

(a) *Petition against existing Synod decision*

(b) *Accurate rendition of Synod decision*

(c) *Ground(s) for petition in own words*

(d) *Petition considered in terms of CO, art 46*

2.2 Overview of Petitions of Protest considered

- 2.2.1 Petition of Protest of GK Krugersdorp against the decision of Synod 2009 regarding the role of women in the church.
- 2.2.2 Petition of Protest of GK Potchefstroom-Die Bult against the decision of Synod 2009 regarding women in the offices of elder and minister.
- 2.2.3 Petition of Protest of the Gereformeerde Kerke Carletonville, Bet-El and Pretoria-Meintjeskop over the decision of Synod 2009 regarding women in particular offices.
- 2.2.4 Petition of Protest of dr HF van Wyk against the decision of Synod 2012 in regard to Song 348.

- 2.2.5 Petition of Protest of rev PA Coetzee and dr HF van Wyk against the decision of Synod 2012 regarding Song 353.
- 2.2.6 Petition of Protest of Regional Synod Pretoria against the amendment of CO, art 69.
- 2.2.7 Petition of Protest of GK Oos-Moot against the amendment of CO, art 69.
- 2.2.8 Petition of Protest of GK Pinetown against the decision of Synod 2012 regarding the procedure for CO, art 8 applications.
- 2.2.9 Petition of Protest of Regional Synod Pretoria regarding the guidelines for review of Psalms and Scriptural Hymns.

Decision: Points 2.1 to 2.2.9 noted.

3. Matters that the Synod decide on

- 3.1 *Petition of Protest of GK Krugersdorp against the decision of Synod 2009 regarding the role of women in the church*

- 3.1.1 Findings

- 3.1.1.1 Petition against an existing Synod decision
- 3.1.1.2 Synod decision accurately rendered
- 3.1.1.3 Petition of Protest sets out ground(s) for petition in own words
- 3.1.1.4 Petition considered in terms of CO, art 46

- 3.1.2 Recommendation: Petition of Protest admissible

Decision: Point 3.1 approved.

- 3.2 *Petition of Protest GK Potchefstroom-Die Bult against the decision of Synod 2009 regarding women in the offices of elder and minister*

- 3.2.1 Findings

- 3.2.1.1 Petition against an existing Synod decision
- 3.2.1.2 Synod decision accurately rendered
- 3.2.1.3 Petition of Protest sets out ground(s) for petition in own words
- 3.2.1.4 Petition considered in terms of CO, art 46

- 3.2.2 Recommendation: Petition of Protest admissible

Decision: Point 3.2 approved.

- 3.3 *Petition of Protest of the Gereformeerde Kerke Carletonville, Bet-El and Pretoria-Meintjeskop over the decision of Synod 2009 regarding women in particular offices*

- 3.3.1 Findings

- 3.3.1.1 Petition not against an existing Synod decision, but against a portion of a Report in which the Synod approved the Commission's recommendation to take note of the relevant point 10.16, including 10.16.2 and 10.16.3 (Acta 2009:666, 12.10.3)

- 3.3.2 Recommendation: Petition of Protest not admissible, given that it did not comply with the first requirement for admissibility (i.e. petition against an existing Synod decision)

Decision: Point 3.3 approved.

- 3.4 *Petition of protest of dr HF van Wyk against the decision of Synod 2012 in regard to Song 348*

- 3.4.1 Findings

- 3.4.1.1 Petition against an existing Synod decision
- 3.4.1.2 Synod decision accurately rendered
- 3.4.1.3 Petition of Protest sets out ground(s) for petition in own words
- 3.4.1.4 Petition considered in terms of CO, art 46

- 3.4.2 Recommendation: Petition of Protest admissible

Decision: Point 3.4 approved.

- 3.5 *Petition of Protest of rev PA Coetzee and dr HF van Wyk against the decision of Synod 2012 regarding Song 353*

- 3.5.1 Findings

- 3.5.1.1 Petition against an existing Synod decision
- 3.5.1.2 Synod decision accurately rendered
- 3.5.1.3 Petition of Protest sets out ground(s) for petition in own words
- 3.5.1.4 Petition considered in terms of CO, art 46

3.5.2 Recommendation: Petition of Protest admissible

Decision: Point 3.5 approved.

3.6 *Petition of Protest of Regional Synod Pretoria against the amendment of CO, art 69*

3.6.1 Findings

3.6.1.1 Petition against an existing Synod decision

3.6.1.2 Synod decision accurately rendered in the sense that the already amended article, as rendered in the proceedings, is cited

3.6.1.3 Petition of Protest sets out ground(s) for petition in own words.

3.6.1.4 Petition considered in terms of CO, art 46

3.6.2 Recommendation: Petition of Protest admissible

Decision: Point 3.6 approved.

3.7 *Petition of Protest of GK Oos-Moot against the amendment of CO, art 69*

3.7.1 Findings

3.7.1.1 Petition against an existing Synod decision

3.7.1.2 Synod decision accurately rendered

3.7.1.3 Petition of Protest sets out ground(s) for petition in own words

3.7.1.4 Petition considered in terms of CO, art 46

3.7.2 Recommendation: Petition of Protest admissible

Decision: Point 3.7 approved.

3.8 *Petition of Protest of GK Pinetown against the decision of Synod 2012 regarding the procedure for CO, art 8 applications*

3.8.1 Findings

3.8.1.1 Petition against an existing Synod decision

3.8.1.2 Synod decision accurately rendered

3.8.1.3 Petition of Protest sets out ground(s) for petition in own words.

3.8.1.4 Petition considered in terms of CO, Art. 46

3.8.2 Recommendation: Petition of Protest admissible

Decision: Point 3.8 approved.

3.9 *Petition of Protest of Regional Synod Pretoria regarding the guidelines for review of Psalms and Scriptural Hymns*

3.9.1 Findings

3.9.1.1 Petition against an existing Synod decision

3.9.1.2 Synod decision accurately rendered

3.9.1.3 Petition of Protest sets out ground(s) for petition in own words

3.9.1.4 Petition considered in terms of CO, art 46

3.9.2 Recommendation: Petition of Protest admissible

Decision: Point 3.9 approved.

4. Conclusion

4.1 The decision regarding point 6 in the Report about Unity in Diversity of the Deputies (21.1) will also affect the review of admissible Petitions of Protest and may well have to be addressed before any decisions about further action can be made.

Decision: Noted.