

12.1.4 APPÈLDEPUTATE: RAPPORT 4: APPÈL DS. JD POTGIETER EN OUDL. AJA VENTER TEEN 'N BESLUIT VAN STREEKSINODE PRETORIA GEHOU OP 29 NOVEMBER 2022 (Art 9)

12.1.4 DEPUTIES FOR APPEAL: REPORT 4: APPEAL REV. JD POTGIETER AND ELDER AJA VENTER AGAINST A DECISION BY REGIONAL SYNOD PRETORIA HELD ON 29 NOVEMBER 2022 (Art 9)

- A. Ds PW Kurpershoek stel die Rapport.
Rev. PW Kurpershoek tables the Report.
- B. Die Rapport word staande die Sinode afgehandel.
The Report is concluded while the Synod is in session.
- C. Geleentheid word gegee om inligtingsvrae te vra.
Opportunity is given for discussion.
- D. Die vergadering neem kennis dat die Appèlprosedure 2015 vir die behandeling van die Appèl geld.
The meeting notes that the Appeal Procedure 2015 applies to the treatment of the Appeal.
- E. **Besluit:** Die werkswyse van die Appèldeputate word goedgekeur.
Decision: The modus operandi of the Appeal deputies is approved.

F. RAPPORT / REPORT

<p>1. Opdrag Handelinge 2018:32 (3.3) en Handelinge 2018:34 (1.6)</p> <p>2. Konstituering en verklaring van belange¹</p> <p>2.1 Al die aangewese Deputate, insluitend die sekundi, is aanvanklik opgeroep.</p> <p>2.2 Die volgende Deputate wat deel is van Streeksinode Pretoria het hulle aan die werksaamhede onttrek of is nie verder opgeroep nie: <i>Dr GJ Meijer, di GS Kruger, PGP le Roux en CB Swanepoel.</i></p> <p>2.3 Die volgende Deputate het deelgeneem aan die beoordeling van die Appèl: <i>Dr RM van der Merwe (v), prof F Venter, di CJ van Vuuren, PW Kurpershoek, AL Pelsler, PM Modise (s), LM Floor (s).</i></p> <p>2.4 Die Appèlle handel nie direk oor VIDA nie en daarom hoef Deputate se persoonlike oordeel rakende VIDA nie hier verreken te word nie.</p> <p>2.5 Dr RM van der Merwe is van tyd tot tyd gekontak – meer oor tegniese sake. Die Deputate het hieroor as volg geoordeel:</p> <p style="padding-left: 40px;"><i>'n Deputaat se onbevange deelneem aan die proses kom in gedrang wanneer daar standpunt ingeneem sou word in die gesprek met appellante, maar nie wanneer tegniese hulp aangebied word nie.</i></p>	<p>1. Mandate Acta 2018:32 (3.3) and Acta 2018:34 (1.6)</p> <p>2. Constituting and declaration of interests¹⁷</p> <p>2.1 All relevant Deputies, including the alternates, were initially called up.</p> <p>2.2 The following Deputies, part of Regional Synod Pretoria, withdrew from this process or were not called on again: <i>Dr GJ Meijer, Revs. GS Kruger, PGP le Roux and CB Swanepoel.</i></p> <p>2.3 The following Deputies took part in reviewing the Appeal: <i>Dr RM van der Merwe (c), Prof F Venter, Revs. CJ van Vuuren, PW Kurpershoek, AL Pelsler, PM Modise (s), LM Floor (s).</i></p> <p>2.4 The Appeals do not directly relate to VIDA and, therefore, the Deputies' personal views of VIDA do not have to be account for here.</p> <p>2.5 Dr RM van der Merwe was approached from time to time – but mainly in regard to technical matters. The Deputies came to the following conclusion: <i>A Deputy's impartial participation in the process is threatened when a standpoint is assumed in discussions with appellants, but not when technical assistance is offered.</i></p>
---	---

¹ Appèlprosedure: 7.1.

¹⁷ Appeal procedure: 7.1.

<p>2.6 Die Deputate vir Appèl het met 'n eenparige besluit bevestig dat elke deelnemende Deputaat onbevange in hierdie saak is.</p> <p>3. Ontvanklikheid²</p> <p>3.1 <u>Amptelike redaksie van besluite waarteen geappelleer word</u></p> <p>3.1.1 Daar word geappelleer teen besluite van Streeksinode Pretoria 29 November 2022.</p> <p>3.1.2 Hierdie besluite is genotuleer as Artikel 10.3 (4.4) en Artikel 14.2.</p> <p>3.1.3 Besluite is woordeliks aangehaal.</p> <p>Bevinding</p> <p>3.1.4 Voldoen aan vereiste insake amptelike redaksie.</p> <p>3.2 <u>Gronde vir Appèl</u></p> <p>3.2.1 Vyf gronde vir Appèl word gegee.</p> <p>3.2.2 Daar is 'n duidelike uiteensetting van die beweerde verontregting in eie woorde.</p> <p>Bevinding</p> <p>3.2.3 Voldoen aan vereiste insake gronde vir Appèl.</p> <p>3.3 <u>Kennisgewing van Appèl</u></p> <p>3.3.1 Daar is op 7 Desember 2022 kennis van Appèl aan die Deputate Korrespondensie van Streeksinode Pretoria.</p> <p>3.3.2 Deputate Korrespondensie van Streeksinode Pretoria het die kennisgewing deurgestuur (via dr Wymie du Plessis) na die Deputate vir Appèl van die Algemene Sinode.</p> <p>Bevinding</p> <p>3.3.3 Voldoen aan vereiste insake kennisgewing van Appèl.</p> <p>3.4 <u>Besluit</u></p> <p>3.4.1 Die Appèl word ontvanklik verklaar.</p> <p>4. Vertroulikheid³</p> <p>4.1 Daar was nie vertroulike aspekte wat hanteer moes word nie – aangesien die Appèl meer oor 'n saak as oor spesifieke persone gehandel het.</p> <p>4.2 Die verloop van die proses en onderlinge gesprekvoering is wel vertroulik hanteer totdat tot 'n bevinding gekom is.</p>	<p>2.6 The Deputies for Appeals unanimously confirmed that every participating Deputy participates impartially in this matter.</p> <p>3. Responsiveness¹⁸</p> <p>3.1 <u>Official drafting of decisions under Appeal</u></p> <p>3.1.1 An Appeal was lodged against decisions of Regional Synod Pretoria 29 November 2022.</p> <p>3.1.2 These decisions are minuted as Article 10.3 (4.4) and Article 14.2.</p> <p>3.1.3 Decisions have been quoted verbatim.</p> <p>Finding</p> <p>3.1.4 Meets the requirement regarding official wording.</p> <p>3.2 <u>Grounds for Appeal</u></p> <p>3.2.1 Five grounds for Appeal have been given.</p> <p>3.2.2 A clear description of alleged violation of rights was given in own words.</p> <p>Finding</p> <p>3.2.3 Meets the requirement regarding grounds for Appeal.</p> <p>3.3 <u>Notification of Appeal</u></p> <p>3.3.1 Notice of Appeal was given to the Deputies: Correspondence of the Regional Synod Pretoria on 7 December 2022.</p> <p>3.3.2 The Deputies: Correspondence of Regional Synod Pretoria forwarded the notification (via Dr Wymie du Plessis) to the Deputies for Appeals of the General Synod.</p> <p>Finding</p> <p>3.3.3 Meets the requirement regarding notice of Appeal.</p> <p>3.4 <u>Decision</u></p> <p>3.4.1 The Appeal was declared responsive.</p> <p>4. Confidentiality¹⁹</p> <p>4.1 There were no aspects that had to be treated confidentially – since the Appeal was lodged against a decision and not specific individuals.</p> <p>4.2 The process and discussions were, however, kept confidential until a finding was reached.</p>
---	--

² Appèlprosedure: 7.2.

³ Appèlprosedure: 7.4.

¹⁸ Appeal procedure: 7.2.

¹⁹ Appeal procedure: 7.4.

<p>5. Historiese verloop⁴</p> <p>5.1 Vir verskeie jare alreeds dien in verskillende gemeentes in Streeksinode Pretoria verskeie vroue as ouderling, al is dit nie volgens besluite van die Algemene Sinode toelaatbaar nie.</p> <p>5.2 Op 22 Oktober 2020 stuur Klassis Pretoria-Moot 'n brief aan alle kerke en klassies wat deel is van Streeksinode Pretoria met die versoek dat kerke waar vroue as ouderlinge bevestig word, hulle met die daad sal bekeer of ten minste nie ampsdraers vir afvaardiging na Streeksinode Pretoria beskikbaar sal stel nie.</p> <p>5.3 Tydens Streeksinode Pretoria 2020 (17 November 2020) is daar wel afgevaardigdes teenwoordig van kerke waar vroue as ouderling dien. Streeksinode Pretoria 2020 besluit:</p> <p style="padding-left: 40px;"><i>... om spreekstem, maar nie keurstem nie, te verleen aan afgevaardigdes van drie kerke, te wete Wierdapark, Meyerspark en Wapadrant wat vroue tot die regeeramp verkies.</i></p> <p>5.4 Tydens Streeksinode 2021 (30 November 2021) dien twee Beswaarskrifte teen hierdie besluit van Streeksinode Pretoria 2020. Streeksinode Pretoria 2021 handhaaf beide Beswaarskrifte.</p> <p>5.5 Na afloop van die hantering van die Beswaarskrifte, neem Streeksinode Pretoria 2021 die volgende besluit:</p> <p style="padding-left: 40px;"><i>Na aanleiding van die Beswaarskrifte wat geslaag het, word Deputate aangewys om die Sinode te adviseer oor wat die regte kerklike weg is om met die kredensiebriewe te handel van Klassisse met gemeentes wat nie Sinodebesluite aangaande die vrou in die amp gehoorsaam nie.</i></p> <p>5.6 Die Deputate wat aangewys is deur Streeksinode Pretoria 2021 (hierna <i>Deputate Kredensie</i>) rapporteer tydens Streeksinode Pretoria 2022 (29 November 2022). Vier aanbevelings in hul Rapport word goedgekeur, waarvan die laaste is (§4.4):</p> <p style="padding-left: 40px;"><i>Kerke wat nie Sinodebesluite aangaande die vrou in die amp ooreenkomstig die reëlings in die Kerkorde as vas en bindend beskou nie, se kredensie kan</i></p>	<p>5. Historical background²⁰</p> <p>5.1 A number of women have in recent years served as elder in different congregations of Regional Synod Pretoria, although this is not permitted according to decisions of the General Synod.</p> <p>5.2 On 22 October 2020 Classis Pretoria-Moot sent a letter to all the churches and classes of Regional Synod Pretoria requesting that churches who have installed women as elders reform their ways or at least abstain from delegating office bearers to Regional Synod Pretoria.</p> <p>5.3 During Regional Synod Pretoria 2020 (17 November 2020) there were, however, delegates present from churches where women serve as elder. Regional Synod Pretoria 2020 decided:</p> <p style="padding-left: 40px;"><i>... to allow delegates of three churches who elect women to the office of elder, namely Wierdapark, Meyerspark and Wapadrant an opportunity to speak, but not the right to vote.</i></p> <p>5.4 During Regional Synod 2021 (30 November 2021) two Petitions of protest were tabled against this decision of Regional Synod Pretoria 2020. Regional Synod Pretoria 2021 upheld both Petitions of protest.</p> <p>5.5 Upon conclusion of reviewing the Petitions of protest, Regional Synod Pretoria 2021 came to the following decision:</p> <p style="padding-left: 40px;"><i>In light of the Petitions of protest succeeding, Deputies are appointed to advise the Synod on the proper method of handling the credentials of Classes with congregations who do not heed Synod decisions related to women serving as office-bearers.</i></p> <p>5.6 The Deputies appointed by Regional Synod Pretoria 2021 (hereinafter <i>Deputies: Credentials</i>) reported back during Regional Synod Pretoria 2022 (29 November 2022). Four recommendations in their Report were approved, of which the last was (4.4):</p> <p style="padding-left: 40px;"><i>The credentials of churches who do not consider Synod decisions regarding women serving as office bearers, as per the regulations of the</i></p>
---	---

⁴ Appèlprosedure: 7.6.1.

²⁰ Appeal procedure: 7.6.1.

<p><i>nie deur 'n meerdere vergadering aanvaar word nie.</i></p>	<p><i>church order, as fixed and binding, cannot be accepted by a major assembly.</i></p>
<p>5.7 Op grond van die aanvaarding van die Rapport van die Deputate Kredensie neem Streeksinode 2022 twee besluite (4.4 – Implikasie): <i>Met meerderheid van stemme is besluit dat afgevaardigdes wat in stryd is met die Sinode se besluit rondom vroue in die amp, slegs sittingsreg het, maar nie stemreg nie (verwys Art. 3).</i></p> <p>en (14.2) <i>Kragtens die besluit van punt 4.4 onder Artikel 10 van hierdie vergadering mag geen kerke wat vroue in die besondere amp van ouderling het, afgevaardig word na die Algemene Sinode 2023 nie.</i></p>	<p>5.7 Based on the acceptance of the Report by the Deputies: Credentials, Regional Synod 2022 made the following two decisions (4.4 – Implication): <i>With a majority of votes it has been decided that delegates who are in conflict with the Synod's decision about women as office-bearers will only have the right to attend, but not the right to vote (cf. Art. 3).</i></p> <p>and (14.2) <i>In accordance with the decision of point 4.4 under Article 10 of this assembly, no churches who have women who serve in the office of elder may be delegated to General Synod 2023.</i></p>
<p>6. Prosedure gevolg⁵</p>	<p>6. Procedure followed²¹</p>
<p>6.1 Die Deputate vir Appèl (Algemene Sinode) het tydens hul vergadering van 10 Januarie 2023 die ontvanklikheid van die Appèl beoordeel, oorsigtelik met die Appèl gewerk en die kern van die Appèl probeer bepaal.</p>	<p>6.1 The Deputies for Appeals (General Synod) reviewed the responsiveness of the Appeal and took a cursory look at the Appeal in order to determine the focus point of the Appeal during their meeting of 10 January 2023.</p>
<p>6.2 Op 13 Januarie 2023 het die appellante hul Appèl toegelig, waarna die toeligers vanaf Streeksinode Pretoria op die Appèl geantwoord het. Die Deputate het <i>in camera</i> vergader om die geskilpunte te bepaal waaroor geoordeel moes word en het dit daarna aan die appellante en die toeligers deurgegee. Beide die appellante en die toeligers het op die geskilpunte gereageer.</p>	<p>6.2 The appellants elucidated their Appeal on 13 January 2023, upon which advisors of Regional Synod Pretoria responded to the Appeal. The Deputies met <i>in camera</i> to determine the points of dispute to be judged and conveyed these to the appellants and advisors. Both the appellants and advisors responded to the points of dispute.</p>
<p>6.3 Tydens die gesprek rondom die geskilpunte het die appellante aangedui dat hulle Appèlgrond 6 terugtrek.</p>	<p>6.3 During discussions about the points of dispute the appellants withdrew Appeal Ground 6.</p>
<p>6.4 Die Deputate het op 13 Januarie 2023 weer <i>in camera</i> vergader en tot hul voorlopige bevinding insake elke Appèlgrond gekom. Die voorlopige bevinding is op 21 Januarie skriftelik aan sowel die appellante as die toeligers deurgegee.</p>	<p>6.4 The Deputies once again met <i>in camera</i> on 13 January and reached a provisional finding on each Appeal ground. The provisional findings were conveyed in writing to both the appellants and the advisors on 21 January.</p>
<p>6.5 Op 23 Januarie 2023 het een van die appellante en die toeligers op die voorlopige bevinding kommentaar gelewer, waarna een van die appellante ook repliek gelewer het.</p>	<p>6.5 On 23 January 2023 one of the appellants and the advisors offered comment on the findings, to which one of the appellants also offered a rebuttal.</p>
<p>6.6 Nadat die Deputate die kommentaar en repliek <i>in camera</i> oorweeg het, is die finale</p>	<p>6.6 After the Deputies considered the comments and rebuttal <i>in camera</i>, the</p>

⁵ Appèlprosedure: 7.6.4.

²¹ Appeal procedure: 7.6.4.

<p>bevinding aan die appellante en toeligers bekendgemaak.</p>	<p>final finding was conveyed to both the appellant and advisors.</p>
<p>6.7 In die hele proses is die toeliging en beredeneringe van sowel die appellante as die toeligers in mekaar se teenwoordigheid aangehoor.</p>	<p>6.7 All elucidations and arguments of both the appellant and the advisors were heard in each other's presence over the course of the proceedings.</p>
<p>6.8 Die Appèlskrif, tesame met die Handeling van Streeksinode Pretoria 2021, die Rapport van die Deputate Kredensie, asook die Agenda en Notule van Streeksinode Pretoria 2022 en die brief wat deur Klassis Pretoria-Moot op 22 Oktober 2020 gestuur is, is deur die Deputate vir Appèl (Algemene Sinode) hanteer.</p>	<p>6.8 The Appeal, together with the Actions of Regional Synod Pretoria 2021, the Report of the Deputies: Credentials as well as the agenda and minutes of Regional Synod Pretoria 2022 and the letter of Classis Pretoria-Moot dated 22 October 2020 were reviewed by the Deputies for Appeals (General Synod).</p>
<p>7. Samevatting van Appèlgronde en reaksie op Appèl^{6, 7, 8}</p>	<p>7. Summary of Appeal Grounds and response to Appeal^{22, 23}</p>
<p>7.1 <u>Appèlgrond 1</u></p>	<p>7.1 <u>Appeal Ground 1</u></p>
<p>7.1.1 Die appellante het gestel dat die besluit van Streeksinode Pretoria 2022 om keurstem weg te neem van afgevaardigdes van kerke waar vroue as ouderlinge dien, kragtens KO, art 31 in stryd is met die besluite wat Streeksinode Pretoria 2021 aangaande twee Beswaarskrifte rakende hierdie saak geneem het.</p>	<p>7.1.1 The appellants stated that the decision of Regional Synod Pretoria 2022 to take away the right to vote of delegates of churches where women serve as elders is, in accordance with CO, art 31, in conflict with the decisions of Regional Synod Pretoria 2021 regarding two Petitions of protest on this matter.</p>
<p>7.1.2 Die toeligers het hierteenoor gestel dat die besluite van Streeksinode Pretoria 2022 gevolg het op die ordelike dien van die Rapport van die Deputate Kredensie, wat 'n eie opdrag gehad het, losstaande van die besluite van Streeksinode Pretoria 2021. Die toeligers het verder gestel dat besluite van vorige Streeksinodes op grond van die Rapporte van Deputate verander kan word sonder dat die betrokke besluite spesifiek beoordeel word.</p>	<p>7.1.2 The advisors replied that the decisions of Regional Synod Pretoria 2022 followed the orderly tabling of the report of the Deputies Credentials, who were instructed independently of the decisions of Regional Synod Pretoria 2021. The advisors also stated that decisions of previous regional Synods could be amended based on Reports from Deputies without the relevant decisions actually being judged.</p>
<p>7.2 <u>Appèlgrond 2</u></p>	<p>7.2 <u>Appeal Ground 2</u></p>
<p>7.2.1 Die appellante het gestel dat Streeksinode Pretoria 2022 in hul besluitneming nie genoeg waarde aan die appellante se instemming met die Openlike Verklaring toegeken het nie. Hulle is naamlik van mening dat hulle met hul instemming met die Openlike Verklaring aangetoon het dat hulle hulle aan Skrif, Belydenis en Kerkorde hou en eenheid soek met almal wat dieselfde Skrif en Belydenis handhaaf.</p>	<p>7.2.1 The appellants stated that Regional Synod Pretoria 2022 did not sufficiently value the appellants agreement with the Open Declaration in their decision making. They are of the view that the appellants agreement to the Open Declaration indicated their faithfulness to Scripture, Confession and Church Order, seeking unity with all who uphold the same Scripture and Confession.</p>

⁶ Appèlprosedure: 7.6.2 en 7.6.3.

⁷ Die nommering van appèlgronde soos verskaf in die appèlskrif word gehandhaaf, al ontbreek appèlgrond 4.

⁸ Die begrip *krenking van eer* is deurgaans deur die appellante met *regskrenking* vervang.

²² Appeal procedure: 7.6.2 and 7.6.3.

²³ The numbering of the Appeal grounds are kept as per the Appeal document, even though Appeal Ground 4 has been removed.

<p>7.2.2 Die toeligers het hierop geantwoord deur te stel dat Streeksinode Pretoria 2022 se besluit nie teen spesifieke persone gerig was nie, maar dat Streeksinode Pretoria 2022 net sy reg uitgeoefen het om stemreg te verwyder. Daarmee saam het die toeligers aangedui dat die appellante nie voldoende aangetoon het hoe Streeksinode Pretoria 2022 versuim het om aan die appellante se instemming met die Openlike Verklaring aandag te gee nie.</p>	<p>7.2.2 The advisors responded by stating that the decision by Regional Synod Pretoria 2022 was not directed at specific individuals, but that Regional Synod Pretoria 2022 merely exercised its right to take away voting rights. The advisors added that the appellants did not adequately show how Regional Synod Pretoria 2022 failed to take into account the appellants' agreement to the Open Declaration.</p>
<p>7.3 <u>Appèlgrond 3</u></p>	<p>7.3 <u>Appeal Ground 3</u></p>
<p>7.3.1 Die appellante is van mening dat Streeksinode Pretoria 2022 sekere afgevaardigdes willekeurig verhinder het om hul ampspligte uit te oefen. Die appellante is verder van mening dat hierdie optrede deur Streeksinode Pretoria 2022 in wese 'n tughandeling was waarmee hulle <i>de facto</i> van die kerkverband afgesny is.</p>	<p>7.3.1 The appellants are of the view that Regional Synod Pretoria 2022 arbitrarily hindered certain delegates from performing their duties. The appellants are also of the view that this conduct of Regional Synod Pretoria 2022 was in essence a form of discipline in which they were <i>de facto</i> cut off from the denomination.</p>
<p>7.3.2 Die toeligers het hierop geantwoord deur te stel dat daar geen bewyse is om te stel dat die besluit van Streeksinode Pretoria 2022 'n tughandeling was nie. Daarmee saam het Streeksinode Pretoria 2022 nie willekeurig opgetree nie, maar net 'n pad probeer vind aangaande die hantering van kredensie, nadat daar vroeër in die vergadering al aangedui is dat die ontvanklikheid van die kredensiebriewe later weer ter tafel geneem sou word.</p>	<p>7.3.2 The advisors responded by stating that there is no evidence to support the assertion that the decision of Regional Synod Pretoria 2022 was an act of discipline. Regional Synod Pretoria 2022 did not act arbitrarily either, but simply sought to find a way to handle the matter of credentials since it had already been pointed out earlier in the meeting that the responsiveness of the credentials would again be tabled at a later stage.</p>
<p>7.4 <u>Appèlgrond 5</u></p>	<p>7.4 <u>Appeal Ground 5</u></p>
<p>7.4.1 Die appellante is van mening dat Streeksinode Pretoria 2022 die verantwoordelikheid gehad het om kragtens KO, art 48, met die kerkverband in gesprek te tree en advies te vra oor die hantering van die saak – en dat dit nie genoegsaam gebeur het nie.</p>	<p>7.4.1 The appellants are of the view that Regional Synod Pretoria 2022 was obliged, in accordance with CO, art 48 to enter into discussion with the churches and seek advice on how to proceed with the matter – and that this was not done adequately.</p>
<p>7.4.2 Die toeligers het hierop geantwoord dat daar geen vereiste is om advies te vra nie en dat Streeksinode Pretoria 2022 juis met die Beskrywingspunt vanaf Klassis Pretoria-Moot wat staande die vergadering aanvaar is, by die Algemene Sinode verdere advies gevra het.</p>	<p>7.4.2 The advisors replied that there is no requirement to seek advice and that Regional Synod Pretoria 2022 did indeed seek advice from the General Synod by means of the point of description of Classis Pretoria-Moot that was accepted during the assembly.</p>
<p>8. Appèlgrond 1: Ontleding, beoordeling en bevinding⁹</p>	<p>8. Appeal Ground 1: Analysis, judgement and finding²⁴</p>
<p>8.1 <u>Bewering deur appellante</u></p>	<p>8.1 <u>Allegation by appellants</u></p>
<p>8.1.1 Die appellante beweer dat Streeksinode Pretoria 2022 se besluit in stryd is met die</p>	<p>8.1.1 The appellants allege that the decision of Regional Synod Pretoria 2022 is in</p>

⁹ Appèlprosedure: 7.6.5.

²⁴ Appeal procedure: 7.6.5.

<p>besluite van Streeksinode Pretoria 2021 en nie met KO, art 31 rekening hou nie.</p>	<p>conflict with the decisions of Regional Synod Pretoria 2021 and does not take into account CO, art 31.</p>
<p>8.1.2 Hierdie bewering trek saam in een kernvraag: <i>Is Streeksinode Pretoria se besluitnemingproses botsend en onordelik en het dit tot regskenking gelei?</i></p>	<p>8.1.2 This allegation can be summarised as follows: <i>Is the decision-making process of Regional Synod Pretoria conflicting and unorderedly and did it lead to a violation of rights?</i></p>
<p>8.2 <u>Beredenering deur appellante</u></p>	<p>8.2 <u>Appellants' argument</u></p>
<p>8.2.1 Die appellante neem as vertrekpunt in hul beredenering KO, art 31.</p>	<p>8.2.1 The appellants' point of departure is CO, art 31.</p>
<p>8.2.2 Die appellante dui aan dat Streeksinode Pretoria 2022 afgevaardigdes van kerke waar vroue as ouderling dien, se keurstem weggeneem het na die behandeling van die verslag van die Deputate Kredensiebriewe – al is hierdie afgevaardigdes se kredensie aanvanklik goedgekeur en al het die afgevaardigdes met die Openlike Verklaring ingestem.</p>	<p>8.2.2 The appellants indicate that Regional Synod Pretoria 2022 took away the right to vote of delegates of churches where women serve as elder subsequent to the review of the Report from the Deputies: Credentials – even though these delegates' credentials were initially approved and even though the delegates agreed to the Open Declaration.</p>
<p>8.2.3 Die appellante stel verder dat hierdie besluit van Streeksinode Pretoria 2022 in stryd is met besluite geneem deur Streeksinode Pretoria 2021 aangaande Beswaarskrifte deur ds C Aucamp en GK Meyerspark. Hierdie Beswaarskrifte het gehandel oor 'n besluit van Streeksinode Pretoria 2020 om afgevaardigdes van kerke waar vroue as ouderling dien, se keurstem weg te neem.</p>	<p>8.2.3 The appellants furthermore state that this decision of Regional Synod Pretoria 2022 is in conflict with decisions by Regional Synod Pretoria 2021 regarding the Petitions of protest of Rev. C Aucamp and GK Meyerspark. These Petitions protested the decision of Regional Synod Pretoria 2020 to take away the voting rights of delegates of churches where women serve as elders.</p>
<p>8.2.4 Die appellante stel verder dat Streeksinode Pretoria 2022 in sy handeling nie met die besluite geneem deur Streeksinode Pretoria 2021 rekening gehou het nie, ook nie in die Rapport van die Deputate Kredensie nie.</p>	<p>8.2.4 The appellants added that neither Regional Synod Pretoria 2022 nor the Report of the Deputies: Credentials took into account the decisions of Regional Synod Pretoria 2021.</p>
<p>8.2.5 Die appellante stel dat Streeksinode Pretoria 2022 hiermee die besluite van Streeksinode Pretoria 2021 negeer het, aangesien daar nie aangedui is waar Streeksinode Pretoria 2021 se besluite die Skrif, Belydenis of Kerkorde oortree het nie.</p>	<p>8.2.5 The appellants stated that Regional Synod Pretoria 2022 thereby negated the decisions of Regional Synod Pretoria 2021, since there was no indication that the decisions of Regional Synod Pretoria 2021 was in conflict with Scripture, Confession or Church Order.</p>
<p>8.3 <u>Beoordeling deur Deputate</u></p>	<p>8.3 <u>Judgement of the Deputies</u></p>
<p>8.3.1 Die appellante is korrek om as vertrekpunt in hul beredenering Kerkorde, Artikel 31, te neem waarin gestel word dat vorige besluite van 'n meerdere vergadering net verander kan word deur aan te toon dat die vorige besluite <i>met die Woord van God of die artikels van die Kerkorde in stryd is</i>.</p>	<p>8.3.1 The appellants rightly make CO, art 31 their point of departure, which states that decisions of major assembly can only be changed if it can be "proved that it conflicts with the Word of God or the articles of the Church Order".</p>
<p>8.3.2 Die appellante stel tereg dat Streeksinode Pretoria 2020 besluit het</p>	<p>8.3.2 The appellants rightly state that Regional Synod Pretoria 2020 decided</p>

<p>dat afgevaardigdes van kerke waar vroue as ouderling dien, se keurstem weggeneem word (vergelyk die besluit van Streeksinode Pretoria 2020, Artikel 3, soos aangehaal in Streeksinode Pretoria 2021, Acta, 2021:19) en dat hierdie besluit deur Streeksinode Pretoria 2021 op grond van twee Beswaarskrifte as ongeldig verklaar is (Streeksinode Pretoria 2021, Acta, 2021:30, 34).</p>	<p>to take away the right to vote from delegates where women serve as elder (compare the decision of Regional Synod Pretoria 2020, Article 3, as cited in Regional Synod Pretoria 2021, Acta, 2021:19) and that this decision by Regional Synod Pretoria 2021 was declared invalid based on two Petitions of protest (Regional Synod Pretoria 2021, Acta, 2021:30, 34).</p>
<p>8.3.3 Die appellante is verder korrek om aan te dui dat Streeksinode Pretoria 2022 hierdie besluite van Streeksinode Pretoria 2021 nie behandel of weerlê het nie, ook nie in die Rapport van die Deputate Kredensiebriewe nie. Alhoewel die Rapport van die Deputate Kredensiebriewe die saak van kredensie hanteer, is daar geen aanduiding in die Rapport dat die besluite van Streeksinode Pretoria 2021 oorweeg of weerlê is nie.</p>	<p>8.3.3 The appellants are also right to indicate that Regional Synod Pretoria 2022 did not deal with or refute these decisions of Regional Synod Pretoria 2021 and also not in the Report of the Deputies: Credentials. Although the report of the Deputies: Credentials addressed the matter of credentials, there is no indication that the report considered or refuted the decisions of Regional Synod Pretoria 2021.</p>
<p>8.3.4 Die appellante is dus korrek om aan te dui dat Streeksinode Pretoria 2022 die besluite van Streeksinode Pretoria 2021 wederregtelik genegeer het.</p>	<p>8.3.4 The appellants are, therefore, right to assert that Regional Synod Pretoria 2022 wrongfully negated the decisions of Regional Synod Pretoria 2021.</p>
<p>8.3.5 Die toeligers se antwoord dat die Deputate Kredensie nie nodig gehad het om die besluite van Streeksinode 2021 te weerlê of selfs daaraan aandag te gee nie, is verder ook in stryd met KO, art 46, wat duidelik stel: <i>Sake vir behandeling op meerdere vergaderings moet nie opgestel word voordat die besluite van die voorgaande Sinodes oor die voorgestelde punte nagegaan is nie.</i></p>	<p>8.3.5 The advisors' reply that the Deputies: Credentials were not obliged to refute the decisions of Regional Synod 2021 or to even review them is also in conflict with CO, art 46, that clearly states: <i>Matters to be dealt with in major assemblies shall not be prepared for discussion until the decisions of previous Synods regarding these matters have been studied...</i></p>
<p>8.4 <u>Bevinding deur Deputate</u></p>	<p>8.4 <u>Finding by Deputies</u></p>
<p>8.4.1 Die appellante het genoegsaam bewys dat Streeksinode Pretoria 2022 se besluitneming botsend is met die besluit van Streeksinode Pretoria 2021 en gevolglik het regs krenking in stryd met KO, art 31, plaasgevind.</p>	<p>8.4.1 The appellants have sufficiently shown that the decision of Regional Synod Pretoria 2022 is in conflict with CO, art 31 and consequently there has been a violation of rights in terms of CO, art 31.</p>
<p>8.5 <u>Bevinding</u></p>	<p>8.5 <u>Finding</u></p>
<p>8.5.1 Appèlgrond 1 slaag.</p>	<p>8.5.1 Appeal Ground 1 succeeds.</p>
<p>9. Appèlgrond 2: Ontleding, beoordeling en bevinding¹⁰</p>	<p>9. Appeal Ground 2: Analysis, judgement and finding²⁵</p>
<p>9.1 <u>Bewering deur appellante</u></p>	<p>9.1 <u>Allegation by appellants</u></p>
<p>9.1.1 Die appellante beweer dat Streeksinode Pretoria 2022 in hul besluitneming nie genoeg waarde aan die appellante se</p>	<p>9.1.1 The appellants allege that Regional Synod Pretoria 2022 did not sufficiently value the appellants agreement with the</p>

¹⁰ Appèlprosedure: 7.6.5.

²⁵ Appeal procedure: 7.6.5.

<p>instemming met die Openlike Verklaring toegeken het nie.</p>	<p>Open Declaration in their decision making.</p>
<p>9.1.2 Hierdie bewering trek saam in een kernvraag: <i>Is die appellante se reg gekrenk deurdat Streeksinode Pretoria nie voldoende gewig aan die Openlike Verklaring van die appellante toegeken het nie?</i></p>	<p>9.1.2 This allegation can be summarised as follows: <i>Was the appellants' rights violated thereby that Regional Synod Pretoria did not adequately value the open declaration of the appellants?</i></p>
<p>9.2 <u>Beredenering deur appellante</u></p>	<p>9.2 <u>Appellants' argument</u></p>
<p>9.2.1 Die appellante neem as vertrekpunt in hul beredenering die gedagte dat Streeksinode Pretoria hul instemming met die Openlike Verklaring in ag moes geneem het toe daar oor hul sittingsreg gehandel is.</p>	<p>9.2.1 The premise of the appellants' argument is that Regional Synod Pretoria should have taken their agreement with the Open Declaration into account in their review of delegates right to attend.</p>
<p>9.2.2 Die appellante stel dat hulle met hul instemming met die Openlike Verklaring aangetoon het dat hulle hulle aan Skrif, Belydenis en Kerkorde hou en eenheid soek met almal wat dieselfde Skrif en Belydenis handhaaf.</p>	<p>9.2.2 The appellants stated that their agreement to the Open Declaration indicated their commitment to Scripture, Confession and Church Order, seeking unity with all who uphold the same Scripture and Confession.</p>
<p>9.2.3 Die appellante stel dat Streeksinode Pretoria nie aan hul instemming met die Openlike Verklaring aandag gegee het nie en hulle met die besluit daarom implisiet aan oortreding van die Negende Gebod skuldig bevind het.</p>	<p>9.2.3 The appellants assert that Regional Synod Pretoria did not take the agreement with the Open Declaration into account and therefore made themselves implicitly guilty of breaking the Ninth Commandment with their decision.</p>
<p>9.2.4 Die appellante stel verder dat Streeksinode Pretoria hulle nie die geleentheid gegee het om hulle te verweer nie.</p>	<p>9.2.4 The appellants add that Regional Synod Pretoria did not give them opportunity to defend themselves.</p>
<p>9.2.5 Die appellante stel uiteindelik dat Streeksinode Pretoria gevolglik voortydig opgetree het.</p>	<p>9.2.5 The appellants ultimately state that Regional Synod Pretoria acted prematurely.</p>
<p>9.3 <u>Beoordeling deur Deputate</u></p>	<p>9.3 <u>Judgement of the Deputies</u></p>
<p>9.3.1 Die appellante is korrek om te stel dat Streeksinode Pretoria hul instemming met die Openlike Verklaring in ag moes geneem het toe daar oor hul sittingsreg gehandel is. Die bedoeling van die Openlike Verklaring is immers dat afgevaardigdes wys dat hulle met die mandaat wat in hul kredensiebriewe na vore kom, konformeer.</p>	<p>9.3.1 The appellants are right to assert that Regional Synod Pretoria should have taken into account their agreement to the Open Declaration in their review of the right to attend. The intention of the Open Declaration is after all that delegates conform to the mandate of their credentials.</p>
<p>9.3.2 Streeksinode Pretoria het aanvanklik met die Openlike Verklaring aanvaar dat die appellante hulle verbind het tot die mandaat van hul kredensiebriewe en dus hul binding aan Skrif, Belydenis en Kerkorde aanvaar.</p>	<p>9.3.2 Regional Synod Pretoria initially accepted with the Open Declaration that the appellants committed themselves to the mandate of their credentials and are bound by Scripture, Confession and Church Order.</p>
<p>9.3.3 Met die besluit op grond van die Rapport van die Deputate Kredensie het Streeksinode Pretoria 'n sekere interpretasie aan afgevaardigdes se binding aan Skrif, Belydenis en Kerkorde geheg, naamlik dat afgevaardigdes van</p>	<p>9.3.3 By basing their decision on the Report of the Deputies: Credentials, Regional Synod Pretoria attached a certain interpretation to delegates' commitment to Scripture, Confession and Church Order, namely that delegates of</p>

<p>kerke waar vroue as ouderling dien, hul mandaat volgens die kredensiebrief, en daarom ook hul instemming met die Openlike Verklaring, weerspreek en gevolglik nie as afgevaardigdes aanvaar kan word nie.</p> <p>9.3.4 Tydens die bespreking van die Rapport het die appellante geleentheid gehad om rondom hierdie interpretasie van afgevaardigdes se binding aan Skrif, Belydenis en Kerkorde gesprek te voer en hul kant van die saak te stel. Daarom is die appellante nie korrek wanneer hulle beweer dat hulle nie geleentheid gegee is om hulle te verweer nie.</p> <p>9.3.5 Met die finale besluit rondom die appellante se keurstem het Streeksinode Pretoria 2022 net hul besluit rondom die interpretasie van afgevaardigdes se binding aan Skrif, Belydenis en Kerkorde prakties toegepas en was dit nie nodig dat die appellante hulle moes kon verweer nie, aangesien dit algemeen bekend is dat hulle lede van GK Meyerspark is waar vroue as ouderlinge dien.</p> <p>9.3.6 Die appellante is ook nie korrek wanneer hulle beweer dat Streeksinode Pretoria hulle implisiet aan oortreding van die Negende Gebod skuldig bevind het nie. Met die aanvanklike konstituering van die vergadering het die Streeksinode immers nog nie 'n besluit rakende die spesifieke interpretasie van afgevaardigdes se binding aan Skrif, Belydenis en Kerkorde geneem nie.</p> <p>9.4 <u>Bevinding deur Deputate</u></p> <p>9.4.1 Die appellante het nie genoegsaam bewys dat Streeksinode Pretoria 2022 hul reg gekrenk het deur nie voldoende gewig aan die Openlike Verklaring toe te ken nie.</p> <p>9.5 <u>Bevinding</u></p> <p>9.5.1 Appèlgrond 2 slaag nie.</p> <p>10. Appèlgrond 3: Ontleding, beoordeling en bevinding¹¹</p> <p>10.1 <u>Bewering deur appellante</u></p> <p>10.1.1 Die appellante beweer dat Streeksinode Pretoria 2022 die betrokke ampsdraers verhinder het om hul ampspligte uit te voer.</p> <p>10.1.2 Hierdie bewering trek saam in een kernvraag:</p>	<p>churches where women serve as elder have acted in contradiction to their mandate as contained in their credentials and also their agreement to the Open Declaration and can therefore not be accepted as delegates.</p> <p>9.3.4 During the review of the Report the appellants had the opportunity to take part in discussions and present their side of the matter regarding this interpretation of delegates' commitment to Scripture, Confession and Church Order. The appellants cannot, therefore, claim that they did not receive the opportunity to defend themselves.</p> <p>9.3.5 With the final decision about the appellants' right to vote, Regional Synod Pretoria 2022 merely applied their decision about the interpretation of delegates' commitment to Scripture, Confession and Church Order and there was no need for the appellants to be able to defend themselves, since it is common knowledge that they are members of GK Meyerspark where women serve as elders.</p> <p>9.3.6 The appellants cannot rightly claim that Regional Synod Pretoria implicitly broke the Ninth Commandment. Regional Synod had after all with the initial constituting of the assembly not yet come to a decision about the specific interpretation of delegates' commitment to Scripture, Confession and Church Order.</p> <p>9.4 <u>Finding by Deputies</u></p> <p>9.4.1 The appellants have not adequately shown that Regional Synod Pretoria 2022 violated their rights by not giving adequate weight to the Open Declaration.</p> <p>9.5 <u>Finding</u></p> <p>9.5.1 Appeal Ground 2 does not succeed.</p> <p>10. Appeal Ground 3: Analysis, judgement and finding²⁶</p> <p>10.1 <u>Allegation by appellants</u></p> <p>10.1.1 The appellants allege that Regional Synod Pretoria 2022 hindered certain office-bearers from carrying out their duties.</p> <p>10.1.2 This allegation can be summarised as follows:</p>
--	---

¹¹ Appèlprosedure: 7.6.5.

²⁶ Appeal procedure: 7.6.5.

<p><i>Is die appellante se reg gekrenk deur sommige ampspligte weg te neem en was die wegneem willekeurig?</i></p> <p>10.2 <u>Beredenering deur appellante</u></p> <p>10.2.1 Die appellante neem as vertrekpunt in hul beredenering die gedagte dat die keurstem 'n inherente en wesentlike deel van die regeerdiens is.</p> <p>10.2.2 Die appellante stel dat die keurstem nie na willekeur weggeneem kan word nie.</p> <p>10.2.3 Die appellante stel dat die wegneem van die keurstem 'n <i>de facto</i> tughandeling is.</p> <p>10.2.4 Die appellante stel dat sodanige tughandeling altyd volgens die beginsels in die Skrif en die KO, artt 71-81, behoort plaas te vind.</p> <p>10.2.5 In aansluiting hierby stel die appellante dat Streeksinode Pretoria 2022 met hul optrede nie aan die beginsels vir geldige tughandeling voldoen het nie deur die goeie naam en eer van afgevaardigdes van kerke waar vroue as ouderling dien in ooneer te bring.</p> <p>10.3 <u>Beoordeling deur Deputate</u></p> <p>10.3.1 Die appellante is korrek om te stel dat die keurstem 'n wesentlike deel van die regeerdiens is – en dus ook 'n ampsplig is – wat deur 'n afgevaardigde by 'n meerdere vergadering uitgeoefen moet word (KO, art 33).</p> <p>10.3.2 Die appellante is ook korrek om te stel dat die keurstem nie willekeurig weggeneem kan word van 'n afgevaardigde na 'n meerdere vergadering nie – juis omdat KO, art 33, die beginsel aandui dat afgevaardigdes se keurstem wel in spesifieke soort sake (<i>wat sy eie persoon of kerk in die besonder aangaan</i>) weerhou kan word.</p> <p>10.3.3 Streeksinode Pretoria 2022 het egter nie die keurstem van afgevaardigdes van kerke waar vroue as ouderling dien willekeurig weggeneem nie, aangesien daarvoor besluit is ná oorweging van die Rapport van die Deputate Kredensie.</p> <p>10.3.4 Streeksinode Pretoria 2022 se besluitneming bots egter wel met die besluit van Streeksinode Pretoria 2021. Gevolglik – soos reeds beredeneer in die beoordeling van Appèlgrond 1 – is Streeksinode Pretoria 2022 se besluit kragtens KO, art 31 ongeldig. In lyn hiermee is die appellante korrek om te stel dat Streeksinode Pretoria 2022 die reg gekrenk het van afgevaardigdes van kerke</p>	<p><i>Were the appellants' rights violated by taking away some of their duties and was this done arbitrarily?</i></p> <p>10.2 <u>Appellants' argument</u></p> <p>10.2.1 The appellants' point of departure is that the right to vote is an inherent and significant part of the office of governance.</p> <p>10.2.2 The appellants state that the vote cannot be taken away arbitrarily.</p> <p>10.2.3 The appellants assert that taking away the right to vote is a <i>de facto</i> act of discipline.</p> <p>10.2.4 The appellants add that such disciplining should always occur in accordance with the principles of Scripture and the CO, arts 71-81.</p> <p>10.2.5 In conjunction to the above, the appellants assert that Regional Synod Pretoria 2022 did not act in accordance with the principles of proper disciplinary action by bringing the good name and reputation of delegates of churches where women serve as elders into disrepute.</p> <p>10.3 <u>Judgement of the Deputies</u></p> <p>10.3.1 The appellants rightly state that the right to vote is a significant part the office of governance – and thus also an official duty – exercised by a delegate at a major assembly (CO, art 33).</p> <p>10.3.2 The appellants also rightly assert that the right to vote cannot be taken away arbitrarily from a delegate at a major assembly – because CO, art 33 indeed stipulates that delegates' vote can only be taken away in specific types of instances (<i>such as particularly concern their person or church</i>).</p> <p>10.3.3 Regional Synod Pretoria 2022 did not, however, arbitrarily take away the right to vote from delegates of churches where women serve as elder, since it was decided after reviewing the report of the Deputies: Credentials.</p> <p>10.3.4 The decision making of Regional Synod Pretoria 2022 is however in conflict with the decision of Regional Synod Pretoria 2021. Consequently – as already discussed in the review of Appeal Ground 1 – the decision of Regional Synod Pretoria 2022 is invalid in terms of CO, art 31. In line with this, the appellants are right to assert that Regional Synod Pretoria 2022 violated</p>
---	---

<p>waar vroue as ouderling dien deur hulle hul keurstem te ontnem.</p> <p>10.4 <u>Bevinding deur Deputate</u></p> <p>10.4.1 Die appellante het genoegsaam bewys dat Streeksinode Pretoria 2022 reg gekrenk het deur afgevaardigdes van kerke waar vroue as ouderling dien te verhinder om hulle ampspligte ten volle na te kom deur hul keurstem te ontnem op grond van 'n besluit wat in stryd met KO, art 31, geneem is.</p> <p>10.5 <u>Bevinding</u></p> <p>10.5.1 Appèlgrond 3 slaag.</p> <p>11. Appèlgrond 5: Ontleding, beoordeling en bevinding¹²</p> <p>11.1 <u>Bewering deur appellante</u></p> <p>11.1.1 Die appellante beweer dat Streeksinode Pretoria 2022 met sy besluitneming nie die kerkverband kragtens KO, art 48, in ag geneem het nie.</p> <p>11.1.2 Hierdie bewering trek saam in een kernvraag: <i>Het Streeksinode Pretoria die reg gekrenk deur in die betrokke besluitneming nie die kerkverband kragtens KO, art 48, in ag te neem nie?</i></p> <p>11.2 <u>Beredenering deur appellante</u></p> <p>11.2.1 Die appellante neem as vertrekpunt in hul beredenering die korrespondensie tussen meerdere vergaderinge kragtens KO, art 48 en stel dat meerdere vergaderings gevolglik verplig is om oor sake van gemeenskaplike belang met ander meerdere vergaderings in gesprek te tree en advies te vra.</p> <p>11.2.2 Die appellante dui aan dat Streeksinode Pretoria 2022 nie met die kerkverband oor die saak gehandel het nie, al is daar ernstige verdeeldheid in die kerkverband – soos gesien kan word in die verskillende hantering van GK Krugersdorp deur beide Klassisse Wesrand en Groter Johannesburg.</p> <p>11.2.3 Die appellante dui verder aan dat Streeksinode Pretoria 2022 verskillend optree in sy hantering van kerke in kerkverband en kerkgemeenskappe met wie in ekumeniese eenheid geleef word.</p>	<p>the rights of delegates of churches where women serve as elder by taking away their right to vote.</p> <p>10.4 <u>Finding by Deputies</u></p> <p>10.4.1 The appellants have adequately shown that Regional Synod Pretoria 2022 violated the rights of delegates of churches where women serve as elder by hindering them from fulfilling all their official duties by taking away their right to vote based on a decision that is in conflict with CO, art 31.</p> <p>10.5 <u>Finding</u></p> <p>10.5.1 Appeal Ground 3 succeeds.</p> <p>11. Appeal Ground 5: Analysis, judgement and finding²⁷</p> <p>11.1 <u>Allegation by appellants</u></p> <p>11.1.1 The appellants allege that the decision making of Regional Synod Pretoria 2022 did not take into account the churches of the denomination in accordance with CO, art 48.</p> <p>11.1.2 This allegation can be summarised as follows: <i>Did Regional Synod Pretoria violate rights by not taking account the denomination in accordance with CO, art in its decision making?</i></p> <p>11.2 <u>Appellants' argument</u></p> <p>11.2.1 The point of departure of the appellants' argument is the correspondence between major assemblies in accordance with CO, art 48 and assert that major assemblies are thereby obligated to conduct correspondence with other major assemblies and seek advice in matters of mutual interest.</p> <p>11.2.2 The appellants indicate that Regional Synod Pretoria 2022 did not present the matter to the churches of the denomination, even in light of serious division about this matter within the denomination – as seen in the differing ways Classes Wesrand and Greater Johannesburg addressed the matter of GK Krugersdorp.</p> <p>11.2.3 The appellants added that Regional Synod Pretoria 2022 acts differently towards churches within the GKSA and church communities with which it has ecumenical unity.</p>
--	--

¹² Appèlprosedure: 7.6.5.

²⁷ Appeal procedure: 7.6.5.

<p>11.3 <u>Beoordeling deur Deputate</u></p> <p>11.3.1 Die appellante is nie korrek om te stel dat KO, art 48, meerdere vergaderings verplig om oor sake van gemeenskaplike belang met ander meerdere vergaderings in gesprek te tree en advies te vra nie. KO, art 48, stel immers:</p> <p><i>Onderskeie Klassisse, Streek- en/of Algemene Sinodes onder kerke in algemene sinodale verband, kan met naburige Klassisse, Streek- en/of Algemene Sinodes onderskeidelik, korrespondensie hou soos elkeen dit vir die algemene welsyn die beste ag. (Beklemtoning deur Deputate vir Appèl Algemene Sinode)</i></p> <p>Streeksinode Pretoria 2022 kon dus self besluit het of en in watter mate en op watter wyse dit korrespondensie met ander meerdere vergaderings wou hê.</p> <p>11.4 <u>Bevinding deur Deputate</u></p> <p>11.4.1 Die appellante het nie genoegsaam bewys dat Streeksinode Pretoria 2022 reg gekrenk het deur nie in die betrokke besluitneming die kerkverband kragtens KO, art 48, in ag te neem nie.</p> <p>11.5 <u>Bevinding</u></p> <p>11.5.1 Appèlgrond 5 slaag nie.</p> <p>12. Finale bevinding¹³</p> <p>Die Appèl slaag op grond van Appèlgronde 1 en 3.</p> <p>13. Regsgevolge¹⁴</p> <p>13.1 Die volgende besluite van Streeksinode Pretoria 2022 is ongeldig:</p> <p>13.1.1 Artikel 10 – Beide 4.4 en die implikasie daarna.</p> <p>13.1.2 Artikel 14 – 14.2.</p> <p>14. Pastorale weg¹⁵</p> <p>Die appellante het aan die begin van die proses aangedui dat hulle met hierdie Appèl tot versoening wil bydra deur te sorg dat 'n eenvormige besluitneming ontstaan wat nie jaar na jaar verander nie. Die Deputate vir Appèl wil hierby aansluit en vertrou dat die Appèlproses wat gevolg is, wél op 'n versoeningsproses sal uitloop waarin</p>	<p>11.3 <u>Judgement of the Deputies</u></p> <p>11.3.1 The appellants cannot say that CO, art 48 obligates major assemblies to conduct correspondence with other major assemblies and seek advice in matters of common interest. CO, art 48 states:</p> <p><i>Each Classis, Regional Synod and National Synod in General Synodical context may conduct correspondence with neighbouring Classes, Regional Synods and National Synods when, according to its judgement, this will promote the general welfare of the church. (Emphasis by Deputies for Appeal General Synod)</i></p> <p>Regional Synod Pretoria 2022 could decide whether to conduct correspondence with other major assemblies and to what degree and in which manner they wish to do so.</p> <p>11.4 <u>Finding by Deputies</u></p> <p>11.4.1 The appellants did not adequately show that Regional Synod Pretoria 2022 violated rights by not taking account the denomination in accordance with CO, art 48 in its decision making.</p> <p>11.5 <u>Finding</u></p> <p>11.5.1 Appeal Ground 5 does not succeed.</p> <p>12. Final finding²⁸</p> <p>The Appeal succeeds based on Appeal Grounds 1 and 3.</p> <p>13. Legal consequences²⁹</p> <p>13.1 The following decisions of Regional Synod Pretoria 2022 are invalid:</p> <p>13.1.1 Article 10 – Both 4.4 and its implication.</p> <p>13.1.2 Article 14 – 14.2.</p> <p>14. Pastoral way³⁰</p> <p>The appellants indicated at the start of the process that the aim of their Appeal is to contribute to reconciliation by ensuring uniformity in decision making that does not change from year to year. The Deputies for Appeal are of like mind and trust that the Appeal process followed will indeed lead to reconciliation in which believers who feel</p>
---	--

¹³ Appèlprosedure: 7.6.6.

¹⁴ Appèlprosedure: 7.6.7.

¹⁵ Appèlprosedure: 7.6.8.

²⁸ Appeal procedure: 7.6.6.

²⁹ Appeal procedure: 7.6.7.

³⁰ Appeal procedure: 7.6.8.

<p>gelowiges wat sterk voel oor kwessies ook hul voortdurende roeping om 'n pad van versoening te loop, sal uitleef.</p> <p>15. Aanbeveling¹⁶ Algemene Sinode 2023 keur die werkswyse van die Deputate vir Appèl goed.</p>	<p>strongly about matters will also heed their ongoing calling to walk the path of reconciliation.</p> <p>15. Recommendation³¹ General Synod 2023 should approve the methodology of the Deputies for Appeal.</p>
---	---

¹⁶ Appèlprosedure: 8.

³¹ Appeal procedure: 8.