

12.1.5 APPÈLDEPUTATE: RAPPORT 5: APPÈL DS C AUCAMP TEEN BESLUIE VAN STREEKSINODE PRETORIA GEHOU OP 29 NOVEMBER 2022 (Artt 10, 44)

12.1.5 DEPUTIES FOR APPEAL: REPORT 5: APPEAL REV. C AUCAMP AGAINST DECISIONS BY REGIONAL SYNOD PRETORIA HELD ON 29 NOVEMBER 2022 (Arts 10, 44)

- 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:**
1. Die werkswyse van die Appèldeputate word goedgekeur.
 2. Punt 14.2 – Verwys na die Ordekommissee om 'n Ad hoc kommissie aan te beveel wat die Sinode hieroor kan adviseer.
 3. Die volgende Kommissielede word aangewys: Di ASA de Bruyn, CCA Vrey, PC van Rooy, W Jobse en G Jansen van Rensburg.
- Decision:**
1. The modus operandi of the Appeal deputies is approved.
 2. Point 14.2 – is referred to the Order Commission to recommend an Ad-hoc commission that can advise the Synod on this matter.
 3. The following Commission members are appointed: Revs. ASA de Bruyn, CCA Vrey, PC van Rooy, W Jobse and G Jansen van Rensburg.
- F. Ds CCA Vrey rapporteer namens die Ad hoc kommissie.
Rev. CCA reports on behalf of the Ad hoc commission.

G. 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</i></p>	<p>1. Mandate Acta 2018:32 (3.3) and Acta 2018:34 (1.6).</p> <p>2. Constitution and declaration of interests¹⁵</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>
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¹ Appèlprosedure: 7.1.

¹⁵ Appeal procedure: 7.1.

<p><i>Kurpershoek, AL Pelser, 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 Prof F Venter is deur een van die appellante gekontak, maar het onmiddellik aangedui dat hy nie betrokke kan raak nie.</p> <p>2.6 Dr RM van der Merwe is van tyd tot tyd gekontak – meer oor tegniese sake. Die Deputate het hieroor as volg geoordeel: <i>‘n Deputaat se onbevangende deelname 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>2.7 Die Deputate vir Appèl het met ‘n eenparige besluit bevestig dat elke deelnemende Deputaat onbevangende in hierdie saak is.</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 An appellant contacted Prof F Venter, but he immediately indicated that he could not become involved.</p> <p>2.6 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> <p>2.7 The Deputies for Appeals unanimously confirmed that every participating Deputy participates impartially in this matter.</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 Sewe gronde vir Appèl word gegee.</p> <p>3.2.2 Hierdie sewe gronde vir Appèl word in twee dele ingedeel:</p> <p>3.2.2.1 1-3 – Handel oor prosedurele sake</p> <p>3.2.2.2 4-7 – Handel oor inhoudelike sake</p> <p>3.2.3 Daar is ‘n duidelike uiteensetting van die beweerde verontregting in eie woorde.</p> <p>Bevinding</p> <p>3.2.4 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</p>	<p>3. Receptiveness¹⁶</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) an 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 Seven grounds for Appeal have been given.</p> <p>3.2.2 These seven grounds for Appeal are divided into two parts:</p> <p>3.2.2.1 1-3 – Procedural matters</p> <p>3.2.2.2 4-7 – Content matters</p> <p>3.2.3 A clear description of alleged wrongdoing was given in own words.</p> <p>Finding</p> <p>3.2.4 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>

² Appèlprosedure: 7.2.

¹⁶ Appeal procedure: 7.2.

<p>Korrespondensie van Streeksinode Pretoria gegee.</p> <p>3.3.2 Die 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>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 Klassisse 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><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>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. Confidentiality¹⁷</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> <p>5. Historical background¹⁸</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><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>
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³ Appèlprosedure: 7.4.

⁴ Appèlprosedure: 7.6.1.

¹⁷ Appeal procedure: 7.4.

¹⁸ Appeal procedure: 7.6.1.

<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: <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): <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 nie deur 'n meerdere vergadering aanvaar word nie.</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). en (14.2)</i> <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>6. Prosedure gevolg⁵</p> <p>6.1 Die Deputate vir Appèl (Algemene Sinode) het tydens hul vergadering</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 ` , Regional Synod Pretoria 2021 came to the following decision: <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): <i>The credentials of churches who do not consider Synod decisions regarding women serving as office bearers, as per the Regulations of the Church Order, as fixed and binding, cannot be accepted by a major assembly.</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 Synod's decision about women as office-bearers will only have the right to attend, but not the right to vote (cf. Art. 3). and (14.2)</i> <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. Procedure followed¹⁹</p> <p>6.1 The Deputies for Appeals (General Synod) reviewed the responsiveness of the Appeal</p>
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⁵ Appèlprosedure: 7.6.4.

¹⁹ Appeal procedure: 7.6.4.

<p>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>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 12 Januarie 2023 het die appellans sy 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 waarvoor geoordeel moes word en het dit daarna aan die appellans en die toeligers deurgegee. Beide die appellans en die toeligers het op die geskilpunte gereageer.</p>	<p>6.2 The appellant elucidated his Appeal on 12 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 appellant and advisors. Both the appellant and advisors responded to the points of dispute.</p>
<p>6.3 Tydens die gesprek rondom die geskilpunte het die appellans aangedui dat hy Appèlgrond 4 en 6 terugtrek, met Appèlgrond 4 wat heeltemal uit die Appèlskrif verwyder word, terwyl Appèlgrond 6 as inleiding tot die afsluiting van die Appèl gevoeg word.</p>	<p>6.3 During discussions about the points of dispute the appellant withdrew Appeal Grounds 4 and 6, and Appeal Ground 4 was removed in its entirety from the Appeal, while Appeal Ground 6 was added as introduction to the conclusion of the Appeal.</p>
<p>6.4 Die Deputate het op 12 Januarie 2023 weer <i>in camera</i> vergader en tot hul voorlopige bevinding insake Appèlgronde 1-2 gekom. Insake Appèlgrond 3 het die Deputate 'n versoek om kommentaar geformuleer insake die vraag in watter mate die Deputate vir Appèl, Algemene Sinode, staande die Appèlproses aanbevelings aan die appellans kan maak rakende die moontlike verandering van die Appèlskrif.⁶ Insake Appèlgronde 5 en 7 is ook 'n versoek om kommentaar geformuleer insake twee moontlikhede oor die hantering van Appèlgronde 5 en 7.</p>	<p>6.4 The Deputies once again met <i>in camera</i> on 12 January 2023 and reached a provisional finding on Appeal Grounds 1-2. Regarding Appeal Ground 3, the Deputies formulated a request for comment on the question to which degree the Deputies for Appeals (General Synod) may offer recommendations to the appellant in terms of possible amendment of the Appeal during the Appeal process.²⁰ A request for comment was also formulated regarding two options of addressing Appeal Grounds 5 and 7.</p>
<p>6.5 Die voorlopige bevindings en die versoeke om kommentaar is op 21 Januarie 2023 skriftelik aan sowel die appellans as die toeligers deurgegee.</p>	<p>6.5 The provisional findings and requests for comment were conveyed in writing to both the appellant and the advisors on 21 January.</p>
<p>6.6 Op 23 Januarie 2023 het sowel die appellans as die toeligers op die versoeke om kommentaar gereageer en is ooreengekom dat die Deputate vir Appèl nie betrokke sal raak by inhoudelike aanpassings van die Appèl nie.</p>	<p>6.6 Both the appellant and the advisors responded to the requests for comment on 23 January 2023 and it was agreed that the Deputies for Appeals would not be involved in amendments to the content of the Appeal.</p>

⁶ Vergelyk Appèlprosedure: 5.5.

²⁰ Compare Appeal procedure: 5.5.

<p>6.7 Die Deputate vir Appèl het <i>in camera</i> vergader en tot 'n voorlopige bevinding rakende Appèlgrond 3 gekom. Hierdie voorlopige bevinding is mondeling aan beide die appellans en die toeligers deurgegee.</p> <p>6.8 Op 23 Januarie 2023 het beide die appellans en die toeligers op al drie die voorlopige bevindings (Appèlgronde 1-3) kommentaar gelewer, waarna die appellans ook repliek kon lewer.</p> <p>6.9 Nadat die Deputate die kommentaar en repliek <i>in camera</i> oorweeg het, is die finale bevinding oor Appèlgronde 1-3 aan beide die appellans en toeligers bekendgemaak.</p> <p>6.10 Rakende Appèlgronde 5 en 7 is die problematiek wat die Deputate ondervind het om die Appèlgronde af te handel, deur beide die appellans en die toeligers saam met die Deputate bespreek en is ooreengekom dat 'n aanbeveling hieroor aan Algemene Sinode 2023 gemaak sal word.</p> <p>6.11 In die hele proses is die toeliging en beredeneringe van sowel die appellans as die toeligers in mekaar se teenwoordigheid aangehoor.</p> <p>6.12 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>7. Samevatting van Appèlgronde en reaksie op Appèl⁷</p> <p>7.1 <u>Appèlgrond 1</u></p> <p>7.1.1 Die appellans het gestel dat die besluit van Streeksinode Pretoria 2022 om afgevaardigdes van kerke waar vroue as ouderlinge dien uit te sluit, kragtens KO, art 31 in stryd is met die besluite wat Streeksinode Pretoria 2021 aangaande twee Beswaarskrifte rakende hierdie saak geneem het.</p> <p>7.1.2 Die toeligers het hierteenoor gestel dat die besluite van Streeksinode</p>	<p>6.7 The Deputies for Appeals convened <i>in camera</i> and came to a provisional finding on Appeal Ground 3. This provisional finding was verbally conveyed to both the appellans and the advisors.</p> <p>6.8 On 23 January 2023 both the appellans and the advisors offered comment on all three the provisional findings (Appeal Grounds 1-3), to which the appellans offered a rebuttal.</p> <p>6.9 After the Deputies considered the comments and rebuttal <i>in camera</i>, the final finding on Appeal Grounds 1-3 were conveyed to both the appellans and advisors.</p> <p>6.10 The problems the Deputies encountered in addressing Appeal Grounds 5 and 7 were discussed with both the appellans and the advisors and it was agreed to make a recommendation to General Synod 2023.</p> <p>6.11 All elucidations and arguments of both the appellans and the advisors were heard in each other's presence over the course of the proceedings.</p> <p>6.12 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. Summary of Appeal Grounds and response to Appeal²¹</p> <p>7.1 <u>Appeal Ground 1</u></p> <p>7.1.1 The appellans stated that the decision of Regional Synod Pretoria 2022 to exclude 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 The advisors replied that the decisions of Regional Synod Pretoria 2022 followed the</p>
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⁷ Appèlprosedure: 7.6.2 en 7.6.3.

²¹ Appeal procedure: 7.6.2 and 7.6.3.

<p>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>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>Appelgrond 2</u></p>	<p>7.2 <u>Appeal Ground 2</u></p>
<p>7.2.1 Die appellans het gestel dat sekere materiaal van sy Beswaarskrif wat tydens Streeksinode Pretoria 2021 gedien het, nie behandel is nie. Hierdie materiaal is volgens die appellans deel gemaak van die opdrag wat aan die Deputate Kredensie gegee is. Hierdie materiaal is nie deur die Deputate Kredensie hanteer nie en ook nie tydens Streeksinode Pretoria 2022 nie. Gevolglik stel die appellans dat sy reg gekrenk is omdat belangrike stof wat hy aan die Streeksinode voorgelê het, nooit hanteer of beoordeel is nie.</p>	<p>7.2.1 The appellans stated that certain content in his Petition of Protest tabled to Regional Synod Pretoria 2021 was not addressed. According to the appellans this content was included in the instruction given to the Deputies: Credentials. This content was not addressed by the Deputies: Credentials and also not during Regional Synod Pretoria 2022. Consequently, the appellans stated that he was wronged because important issues tabled to the Regional Synod by him were not reviewed or judged.</p>
<p>7.2.2 Die toeligers het hierop geantwoord deur te stel dat daar nie duidelike bewyse is dat die betrokke materiaal nie deur Streeksinode Pretoria 2021 hanteer is nie en dat die Deputate Kredensie nie verplig was om aan hierdie materiaal aandag te gee nie, aangesien dit nie spesifiek deel van hul opdrag was nie.</p>	<p>7.2.2 The advisors responded by stating that there is no irrefutable evidence that the Regional Synod Pretoria 2021 did not address the relevant content and the Deputies: Credentials were not obligated to give attention to this material, since it was not specifically part of their instruction.</p>
<p>7.3 <u>Appelgrond 3</u></p>	<p>7.3 <u>Appeal Ground 3</u></p>
<p>7.3.1 Die appellans is van mening dat Streeksinode Pretoria 2022 onregmatig sake afgehandel het waarvan hulle met die goedkeuring van die Beskrywingspunt van Klassis Pretoria-Moot self gestel het dat hulle dit nie kon afhandel nie.</p>	<p>7.3.1 The appellans is of the view that Regional Synod Pretoria 2022 wrongfully finalised matters in which they themselves stated, with the approval of the Point of description of Classis Pretoria-Moot, they could not finalise.</p>
<p>7.3.2 Die toeligers het hierop geantwoord deur te stel dat die Beskrywingspunt nie oor die hantering van kredensiebriewe en die konstituering van Streeksinode handel nie. Die Beskrywingspunt veronderstel dat daar verskille tussen kerke is en vra dan hoe verder gehandel moet word. Daarmee saam meen die toeligers dat kredensie wél op die tafel van</p>	<p>7.3.2 The advisors replied by stating that the Point of description was not about the handling of credentials and the constituting of a Regional Synod. The Point of description assumes there are differences between churches and then asks how such differences must be addressed. The advisors added that credentials were indeed tabled at Regional Synod Pretoria 2022 since credentials cannot simply be set aside at an assembly.</p>

<p>Streeksinode Pretoria 2022 gelê het omdat kredensie nie net tydens 'n vergadering eenkant geskuif kan word nie.</p> <p>7.4 <u>Appèlgrond 5</u></p> <p>7.4.1 Die appellant is van mening dat Streeksinode Pretoria 2022 die besluite wat verskillende Algemene Sinodes geneem het aangaande die dien van vroue as ouderling, nie korrek hanteer het nie. Hy stel dat Streeksinode Pretoria 2022 se hantering van hierdie besluite kerkskeidend gewerk het. Daarom gee die appellant ook 'n breedvoerige uiteensetting van sy siening oor hoe die besluite van die onderskeie Algemene Sinodes verstaan en gebruik behoort te word.</p> <p>7.4.2 Die toelighers het hierop geantwoord deur te stel dat hulle oortuig is dat Algemene Sinodes 2016 en 2018 die hele saak van die <i>Vrou in die diens van ouderling</i> wél as wesenlik gesien het en dat dit gevolglik 'n saak is wat eenheid in gedrang bring.</p> <p>7.5 <u>Appèlgrond 7</u></p> <p>7.5.1 Die appellant is van mening dat Streeksinode Pretoria 2022 kerke uit die kerkverband van die GKSA uitgesluit het toe hulle die keurstem en dus sittingsreg, asook hul beskikbaarheid om na Algemene Sinode 2023 afgevaardig te word, van ampsdraers vanuit daardie kerke weggeneem het.</p> <p>7.5.2 Die toelighers het hierop geantwoord deur te stel dat Streeksinode Pretoria 2022 nie kerke buite kerkverband geplaas het nie, maar juis met die Beskrywingspunt vanaf Klassis Pretoria-Moot meerdere advies gaan soek het. Wel is besluite rakende stemreg, aanvaarding van kredensiebriewe en afvaardiging geneem omdat dit vir Streeksinode 2022 se funksionering nodig was. Die toelighers het daarom ook gestel dat die terughou van sekere ampspligte nie direk verbind kan word aan die uitsluiting uit kerkverband nie.</p>	<p>7.4 <u>Appeal Ground 5</u></p> <p>7.4.1 The appellant is of the view that Regional Synod Pretoria 2022 did not handle the decisions of different General Synods related to women serving as elders properly. He stated that the way Regional Synod Pretoria 2022 dealt with these decisions created division in the church. Therefore, the appellant gave a comprehensive explanation of how, in his view, the decisions of the various General Synods should be understood and applied.</p> <p>7.4.2 The advisors replied by stating that they are convinced that both General Synods 2016 and 2018 did indeed view the matter of <i>woman serving as elder</i> as significant and that consequently it is matter that threatens unity.</p> <p>7.5 <u>Appeal Ground 7</u></p> <p>7.5.1 The appellant is of the view that Regional Synod Pretoria 2022 excluded churches from GKSA denomination by taking away office-bearers' right to vote and thus their right to attend as well as to send delegates to General Synod 2023.</p> <p>7.5.2 The advisors replied by stating that Regional Synod Pretoria 2022 did not exclude them, but indeed sought advice by means of the Point of description of Classis Pretoria-Moot. There were indeed decisions made about voting rights, acceptance of credentials and delegation since it was necessary for the functioning of Regional Synod 2022. The advisors also stated that the suspension of certain office duties cannot be directly related to exclusion from the denomination.</p>
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<p>8. Appèlgrond 1: <i>Ontleding, beoordeling en bevinding</i>⁸</p> <p>8.1 <u>Bewering deur appelland</u></p> <p>8.1.1 Die appelland beweer dat Streeksinode Pretoria 2022 se besluit oor die uitsluiting van ampsdraers van kerke met vroue-ouderlinge in stryd is met KO, art 31.</p> <p>8.1.2 Hierdie bewering trek saam in een kernvraag: <i>Is Streeksinode Pretoria se besluit in stryd met KO, art 31?</i></p> <p>8.2 <u>Beredenering deur appelland</u></p> <p>8.2.1 Die appelland neem as vertrekpunt in sy beredenering KO, art 31.</p> <p>8.2.2 Die appelland stel dat Streeksinode Pretoria 2021 sy Beswaarskrif teen die besluit van Streeksinode Pretoria 2020 gehandhaaf het en wel op grond van drie beswaargrondde.</p> <p>8.2.3 Die appelland stel dat die drie beswaargrondde wat deur Streeksinode Pretoria 2021 gehandhaaf is, nie in die Rapport van die Deputate Kredensie behandel, bespreek of beoordeel word nie.</p> <p>8.2.4 Die appelland stel ook dat Streeksinode Pretoria 2022 sy besluite geneem het op grond van die Rapport van Deputate Kredensie.</p> <p>8.2.5 Die appelland stel uiteindelik dat die besluit van Streeksinode Pretoria 2021 deur Streeksinode Pretoria 2022 omgekeer is sonder dat aangetoon is dat die drie beswaargrondde <i>in stryd is met Gods Woord of die artikels van die Kerkorde</i>.</p> <p>8.3 <u>Beoordeling deur Deputate</u></p> <p>8.3.1 Die appelland is korrek om KO, art 31, as vertrekpunt in sy beredenering te neem.</p> <p>8.3.2 Die appelland is ook korrek om op grond van KO, art 31, te verwag dat die besluite van Streeksinode Pretoria 2021 ten minste bespreek en op grond van Skrif, Belydenis en Kerkorde getoets moes word alvorens die besluite omgekeer is.</p>	<p>8. Appeal Ground 1: <i>Analysis, judgement and finding</i>²²</p> <p>8.1 <u>Allegation by appelland</u></p> <p>8.1.1 The appelland alleges that the decision of Regional Synod Pretoria 2022 to exclude office-bearers of churches who have female elders is in conflict with CO, art 31.</p> <p>8.1.2 This allegation can be summarised as follows: <i>Is the decision of Regional Synod Pretoria in conflict with CO, art 31?</i></p> <p>8.2 <u>Appelland's argument</u></p> <p>8.2.1 The appelland's point of departure is CO, art 31.</p> <p>8.2.2 The appelland states that Regional Synod Pretoria 2021 upheld his Petition of Protest against the decision of Regional Synod Pretoria 2020 based on three grounds of objection.</p> <p>8.2.3 The appelland states that the three grounds of objection upheld by the Regional Synod Pretoria 2021 were not reviewed, discussed or judged in the report of the Deputies: Credentials.</p> <p>8.2.4 The appelland furthermore states that Regional Synod Pretoria 2022 made their decisions based on the Report of the Deputies: Credentials.</p> <p>8.2.5 The appelland ultimately states that the decision of Regional Synod Pretoria 2021 was reversed by Regional Synod Pretoria 2022 without indicating that the three grounds of objection is <i>in conflict with God's Word or the articles of the Church Order</i>.</p> <p>8.3 <u>Judgement of the Deputies</u></p> <p>8.3.1 The appelland is correct to take CO, art 31 as point of departure for his argument.</p> <p>8.3.2 The appelland is also correct to expect, based on CO, art 31, that the decisions of Regional Synod Pretoria 2021 would at least be discussed and tested against Scripture, the Confessions and Church Order before reversing the decisions.</p>
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⁸ Appèlprosedure: 7.6.5.

²² Appeal procedure: 7.6.5.

<p>8.3.3 Die appellant is verder korrek om aan te dui dat Streeksinode Pretoria 2022 die 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 hanteer of weerlê word nie.</p> <p>8.3.4 Die appellant is dus korrek om aan te dui dat Streeksinode Pretoria 2022 die besluite van Streeksinode Pretoria 2021 in stryd met KO, art 31, gerojêer het.</p> <p>8.3.5 Die toeligtters 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>8.4 <u>Bevinding deur Deputate</u></p> <p>8.4.1 Die appellant het genoegsaam bewys dat Streeksinode Pretoria 2022 se besluit in stryd is met KO, art 31.</p> <p>8.5 <u>Bevinding</u></p> <p>8.5.1 Appèlgrond 1 slaag.</p> <p>9. Appèlgrond 2: Ontleding, beoordeling en bevinding⁹</p> <p>9.1 <u>Bewering deur appellant</u></p> <p>9.1.1 Die appellant beweer dat Streeksinode Pretoria 2022 sy reg gekrenk het deur nie die materiaal wat in die appellant se 2021-Beswaarskrif aangebied is, te behandel nie.</p> <p>9.1.2 Hierdie bewering trek saam in een kernvraag: <i>Is die appellant se reg gekrenk deurdat Streeksinode Pretoria nie al die stof in die Beswaarskrifte</i></p>	<p>8.3.3 The appellant also rightly indicates that Regional Synod Pretoria 2022 did not view or refute the decisions of Regional Synod Pretoria 2021 and also not the Report of the Deputies: Credentials. Although the report of the Deputies: Credentials addresses the matter of credentials, there is no indication in the Report that the decisions of Regional Synod Pretoria 2021 were handled or refuted.</p> <p>8.3.4 The appellant thus rightly shows that Regional Synod Pretoria 2022 annulled the decisions of Regional Synod Pretoria 2021 in conflict with CO, art 31.</p> <p>8.3.5 The advisors' response that the Deputies: Credentials did not need to refute or even address the decisions of Regional Synod 2021 is furthermore 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>Finding by Deputies</u></p> <p>8.4.1 The appellant has sufficiently shown that the decision of Regional Synod Pretoria 2022 is in conflict with CO, art 31.</p> <p>8.5 <u>Finding</u></p> <p>8.5.1 Appeal Ground 1 succeeds.</p> <p>9. Appeal Ground 2: Analysis, judgement and finding²³</p> <p>9.1 <u>Allegation by appellant</u></p> <p>9.1.1 The appellant alleges that Regional Synod Pretoria 2022 wronged him by not dealing with the material contained in the appellant's 2021 Petition of Protest.</p> <p>9.1.2 This allegation can be summarised as follows: <i>Was the appellant wronged thereby that Regional Synod Pretoria did not take into consideration all the material in the Petition of Protest of 2021?</i></p>
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⁹ Appèlprosedure: 7.6.5.

²³ Appeal procedure: 7.6.5.

<p><i>van 2021 in aanmerking geneem het nie?</i></p> <p>9.2 <u>Beredenering deur appelland</u></p> <p>9.2.1 Die appelland neem as vertrekpunt in sy beredenering die gedagte dat alle materiaal wat met Streeksinode Pretoria 2021 in die Beswaarskrifte aangebied is en spesifiek punte 3-8 van die Beswaarskrif, deur die Deputate Kredensie of Streeksinode Pretoria 2022 hanteer moes gewees het.</p> <p>9.2.2 Die appelland stel dat Streeksinode Pretoria 2021 slegs die eerste drie beswaargrondte hanteer het.</p> <p>9.2.3 Die appelland stel verder dat Streeksinode Pretoria 2021 die res van die Beswaarskrif (punte 3-8) nie direk hanteer nie, maar slegs gestel het dat die Kommissie nie met al die beredenering saamgestem het nie.</p> <p>9.2.4 Die appelland lei hieruit af dat Streeksinode Pretoria 2021 sekere kernbelangrike sake in die Beswaarskrif nie beoordeel het nie.</p> <p>9.2.5 Die appelland stel verder dat hierdie materiaal (punte 3-8 van die Beswaarskrif) na die Deputate Kredensie verwys is om in hul werksaamhede te behandel of in hul aanbevelings te verdiskonteer.</p> <p>9.2.6 Die appelland stel ook dat die Deputate Kredensie hierdie materiaal (punte 3-8 van die Beswaarskrif) bloot geïgnoreer het en nie behandel of in hul aanbevelings verreken nie.</p> <p>9.2.7 Die appelland stel dat Streeksinode Pretoria 2022 gevolglik ook nie hierdie materiaal (punte 3-8 van die Beswaarskrif) behandel het nie.</p> <p>9.2.8 Die appelland stel dat hierdie materiaal juis die saak vir deelname deur afgevaardigdes van kerke wat vroue in die besondere amp van ouderling het, bepleit en dat die nie-hantering van die materiaal hul reg krenk.</p> <p>9.3 <u>Beoordeling deur Deputate</u></p> <p>9.3.1 Die appelland is korrek om van 'n meerdere vergadering te verwag dat alle materiaal wat ordelik aangebied word, behandel word.</p> <p>9.3.2 Die appelland is nie korrek dat punte 3-8 van die Beswaarskrif nie deur Streeksinode Pretoria 2021 hanteer</p>	<p>9.2 <u>Appellant's argument</u></p> <p>9.2.1 The point of departure of the appellant's argument is that all the material contained in the Petition of Protest and particularly points 3-8 tabled to Regional Synod Pretoria 2021 should have been dealt with by the Deputies: Credentials of Regional Synod Pretoria 2022.</p> <p>9.2.2 The appellant states that Regional Synod Pretoria 2021 only addressed the first three grounds of objection.</p> <p>9.2.3 The appellant furthermore states that Regional Synod Pretoria 2021 did not directly deal with the Petition of Protest (points 3-8), but only stated that the Commission does not agree with all the arguments.</p> <p>9.2.4 The appellant concludes from this that Regional Synod Pretoria 2021 did not consider certain key matters in the Petition of Protest.</p> <p>9.2.5 The appellant adds that this material (points 3-8 of the Petition of Protest) was referred to the Deputies: Credentials to deal with in the course of their duties or to address it in their recommendations.</p> <p>9.2.6 The appellant also states that the Deputies: Credentials simply ignored this material (points 3-8 of the Petition of Protest) and did not address it or take it into account in their recommendations.</p> <p>9.2.7 The appellant states that consequently Regional Synod Pretoria 2022 did not deal with this material (points 3-8 of the Petition of Protest) either.</p> <p>9.2.8 The appellant states that it is indeed this material makes the argument for participation by delegates of churches who have women that serve as elders and that they have been wronged by not dealing with the material.</p> <p>9.3 <u>Judgement of the Deputies</u></p> <p>9.3.1 The appellant is right to expect a major assembly to address all material that has been properly presented.</p> <p>9.3.2 The appellant is not correct in the assertion that points of the Petition of Protest were not addressed by Regional Synod Pretoria 2021. Regional Synod Pretoria 2021 states:</p>
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<p>is nie. Streeksinode Pretoria 2021 stel naamlik: <i>Die Kommissie het nie met al die beredenering saamgestem nie maar oordeel dat die wese van die beswaargronde wat slaag geldig is.</i></p> <p>Streeksinode Pretoria 2021 se Kommissie het al drie beswaargronde hanteer en toe opsommend gestel dat hulle nie met al die beredenering saamgestem het nie. Binne die opset van die Beswaarskrif vorm punte 3-8 deel van die beredenering waarna verwys word en wat gevolglik wel deur Streeksinode Pretoria 2021 hanteer en beoordeel is.</p> <p>9.3.3 Die appellant is nie korrek wanneer hy stel dat hierdie (onbeoordeelde) materie na die Deputate verwys is nie. Die aanwysing van die Deputate volg wel op die slaag van die Beswaarskrifte, maar daar word nie in die opdrag aangedui dat enige spesifieke (onbehandelde) materiaal na die Deputate verwys is nie. Daar was ook nie 'n noodsaak om spesifiek punte 3-8 na die Deputate te verwys omdat dit nog nie behandel is nie, omdat Streeksinode Pretoria 2021 wel daaraan aandag gegee het.</p> <p>9.3.4 Alhoewel die appellant korrek is dat punte 3-8 van die Beswaarskrif nie deur die Deputate Kredensie hanteer is nie (beide die toeligers en die appellant bevestig dat die materiaal nie deur die Deputate Kredensie behandel is nie) het Streeksinode Pretoria 2022 nie die verantwoordelikheid gehad om die materiaal te hanteer nie. Die materiaal is naamlik reeds deur Streeksinode Pretoria 2021 hanteer en daar was nie 'n spesifieke opdrag aan die Deputate Kredensie om hierdie materiaal te hanteer nie.</p> <p>9.3.5 Gevolglik het die appellant nie bewys dat onbeoordeelde materie van die geslaagde Beswaarskrifte (n)ooit in 2022 behandel is en dat daar daarom ernstige regskenking was nie.</p> <p>9.4 <u>Bevinding deur Deputate</u></p> <p>9.4.1 Die appellant het nie genoegsaam bewys dat Streeksinode Pretoria</p>	<p><i>The Commission did not agree with all the arguments but deemed that in essence the grounds of objection that succeeded are valid.</i></p> <p>The Commission of Regional Synod Pretoria 2021 dealt with all three grounds of objection and then stated in summary that they did not agree with the argument. Points 3-8 form part of the argument of the Petition of Protest that was referred to and reviewed and judged by the Regional Synod Pretoria 2021.</p> <p>9.3.3 The appellant is not correct in saying that this (unconsidered) material was referred to the Deputies. The appointing of the Deputies did indeed follow the succeeding of the Petition of Protest, but there is no indication in the instruction that any specific (unconsidered) material were referred to the Deputies. There was also no need to specifically refer points 3-8 to the Deputies as not yet addressed, because Regional Synod Pretoria 2021 had indeed addressed them.</p> <p>9.3.4 Although the appellant is right that points 3-8 of the Petition of Protest were not addressed by the Deputies: Credentials (both the advisors and the appellant confirmed that the material was not reviewed by the Deputies: Credentials), Regional Synod Pretoria 2022 was not obligated to deal with the material, since the material had already been dealt with by Regional Synod Pretoria 2021 and the Deputies: Credentials were not specifically instructed to review the material.</p> <p>9.3.5 Consequently, the appellant did not prove that unconsidered material of the successful Petition of Protest was never addressed in 2022, which is a serious infringement of rights.</p> <p>9.4 <u>Finding of Deputies</u></p> <p>9.4.1 The appellant has not sufficiently shown that Regional Synod Pretoria 2022 did not</p>
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<p>2022 nie al die stof in die Beswaarskrifte van 2021 in aanmerking geneem het nie.</p> <p>9.5 <u>Bevinding</u></p> <p>9.5.1 Appèlgrond 2 slaag nie.</p> <p>10. Appèlgrond 3: <i>Ontleding, beoordeling en bevinding</i>¹⁰</p> <p>10.1 <u>Bewering deur appelland</u></p> <p>10.1.1 Die appelland beweert dat Streeksinode Pretoria 2022 se besluit in stryd met KO, art 30, is.</p> <p>10.1.2 Hierdie bewering trek saam in een kernvraag: <i>Het Streeksinode Pretoria in stryd met KO, art 30, besluitneming deur die Algemene Sinode vooruitgeloop?</i></p> <p>10.2 <u>Beredenering deur appelland</u></p> <p>10.2.1 Die appelland neem as vertrekpunt in sy beredenering KO, art 30.</p> <p>10.2.2 Die appelland brei sy vertrekpunt spesifiek uit deur te stel dat Streeksinode Pretoria 2022 KO, art 30, in gedrang bring omdat Streeksinode Pretoria 2022 self stel dat die saak nie deur 'n mindere vergadering afgehandel kan word nie.</p> <p>10.2.3 Die appelland verwys daarom spesifiek na die Beskrywingspunt vanaf Klassis Pretoria-Moot wat staande Streeksinode Pretoria 2022 goedgekeur is en die Algemene Sinode 2023 versoek om Deputate aan te wys om vas te stel wat gedoen moet word met kerke wat vroue as ouderlinge bevestig.</p> <p>10.2.4 Die appelland verwys ook spesifiek na die motivering van die Beskrywingspunt vanaf Klassis Pretoria-Moot waarin gestel word dat ooreenkomstig KO, art 30, dit noodsaaklik is <i>dat kerke tesame ... uitspraak lewer.</i></p> <p>10.2.5 Die appelland stel verder dat Streeksinode Pretoria 2022 <i>die saak contra KO, art 30</i> afhandel wanneer ampsdraers hul afvaardiging ontnem word en die betrokke kerke hul deelwees van die kerkverband.</p>	<p>take into account all the material in the Petition of Protest of 2021.</p> <p>9.5 <u>Finding</u></p> <p>9.5.1 Appeal Ground 2 does not succeed.</p> <p>10. Appel Ground 3: <i>Analysis, judgement and finding</i>²⁴</p> <p>10.1 <u>Appellant's allegation</u></p> <p>10.1.1 The appellant alleges that the decision of Regional Synod Pretoria 2022 is in conflict with CO, art 30.</p> <p>10.1.2 This can be summarised as follows: <i>Did Regional Synod Pretoria pre-empt a decision by the General Synod in conflict with CO, art 30?</i></p> <p>10.2 <u>Appellant's argument</u></p> <p>10.2.1 The point of departure of the appellant's argument is CO, art 30.</p> <p>10.2.2 The appellant elaborates on his point of departure by stating that Regional Synod Pretoria 2022 has brought CO, art 30 under threat by stating that the matter cannot be finalised by a minor assembly.</p> <p>10.2.3 The appellant, therefore, specifically refers to the Point of description of Classis Pretoria-Moot that was approved during Regional Synod Pretoria 2022 and requested General Synod 2023 to appoint Deputies to determine how to deal with churches who ordain women as elders.</p> <p>10.2.4 The appellant also specifically refers to the motivation of the Point of description of Classis Pretoria-Moot which states that in accordance with CO, art 30 <i>churches must make a judgement collectively.</i></p> <p>10.2.5 The appellant furthermore states that Regional Synod Pretoria 2022 dealt with <i>the matter contra CO, art 30</i> by disallowing office-bearers from attending a Synod and excluded the relevant churches from participation within the denomination.</p>
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¹⁰ Appèlprosedure: 7.6.5.

²⁴ Appeal procedure: 7.6.5.

<p>10.3 <u>Beoordeling deur Deputate</u></p> <p>10.3.1 Die appellant is korrek om KO, art 30, as vertrekpunt te neem.</p> <p>10.3.2 Die appellant beperk egter sy vertrekpunt deur te stel dat Streeksinode Pretoria 2022 se eie Beskrywingspunt die maatstaf is waaraan Streeksinode Pretoria 2022 se optrede rakende KO, art 30, gemeet moet word.</p> <p>10.3.3 Die appellant beperk gevolglik dan ook in sy beredenering sy bewyse tot die konkrete situasie van die Beskrywingspunt wat deur Streeksinode Pretoria 2022 goedgekeur is.</p> <p>10.3.4 Die appellant beredeneer nie sy stelling dat Streeksinode Pretoria 2022 in sy besluitneming in stryd met KO, art 30, optree nie, maar meld net (3.3.3 van die Appèlskrif) dat die frase in die KO, art 30 wat relevant is, na sake verwys <i>wat nie in 'n mindere vergadering afgehandel kan word nie</i>.</p> <p>10.3.5 Oor die vraag of die aanvaarding van die Beskrywingspunt op sigself aandui dat Streeksinode Pretoria 2022 in sy besluitneming strydig met KO, art 30, opgetree het, moet gestel word dat daar op twee vlakke hieroor geoordeel moet word:</p> <p>10.3.5.1 Streeksinode Pretoria 2022 het met die aanvaarding van die Rapport van die Deputate Kredensie 'n algemene reël oor die aanvaarbaarheid van kredensiebriewe en beperkings op afvaardiging na 'n Algemene Sinode vasgestel. Belangrik egter vir die beoordeling van hierdie Appèlgrond is dat die appellant self nie aandag gee aan of aantoon dat die neerlegging van 'n algemene reël in stryd met KO, art 30 is nie.</p> <p>10.3.5.2 Streeksinode Pretoria 2022 het egter ook spesifieke besluite geneem waardeur die keurstem van sommige afgevaardigdes ontnem is, en hul afvaardiging na Algemene Sinode 2023 uitgesluit is. Die verlening van keurstem en die afvaardiging na 'n Algemene Sinode is normaalweg kragtens onderskeidelik KO, art 33, en</p>	<p>10.3 <u>Judgement of the Deputies</u></p> <p>10.3.1 The appellant rightly makes CO, art 30 his point of departure.</p> <p>10.3.2 The appellant, however, limits his point of departure by stating that the Point of description of Regional Synod Pretoria 2022 must be the measure against which the conduct of Regional Synod Pretoria 2022 in terms of CO, art 30 must be judged.</p> <p>10.3.3 The appellant consequently also limits in his argument his evidence to the concrete situation of the Point of description approved by Regional Synod Pretoria 2022.</p> <p>10.3.4 The appellant does not argue that Regional Synod Pretoria 2022 acted in conflict with CO, art 30, but merely mentions (3.3.3 of the Appeal) that the relevant phrase in the CO, art 30 refers to matters that <i>cannot be</i> finalised in minor assemblies.</p> <p>10.3.5 The question whether the acceptance of the Point of description indicates in itself that Regional Synod Pretoria 2022 acted in conflict with CO, art 30 in its decision making must be judged on two levels:</p> <p>10.3.5.1 Regional Synod Pretoria 2022 established with the acceptance of the Report of the Deputy: Credentials a general rule over the acceptability of credentials and limitations on delegation to a General Synod. It is important to note in judging this Appeal Ground that the appellant did not address or indicate that the laying down of a general rule is in conflict with CO, art 30.</p> <p>10.3.5.2 Regional Synod Pretoria 2022 also made specific decisions in which the voting rights of some delegates were suspended and they were excluded from sending delegates to General Synod 2023. The granting of voting rights and attendance at a General Synod is usually prerogative of a Regional Synod in accordance with CO, art 33 and CO, art 50 respectively. Consequently, it cannot summarily be found that Regional Synod Pretoria 2022 acted in</p>
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<p>KO, art 50, die prerogatief van 'n Streeksinode. Gevolglik kan nie sonder meer bevind word dat Streeksinode Pretoria 2022 met die konkrete besluite rakende keurstem tydens Streeksinode Pretoria 2022 en die afvaardiging na Algemene Sinode strydig met KO, art 30 opgetree het omdat daar op dieselfde vergadering besluit is om 'n Beskrywingspunt oor dieselfde saak aan die Algemene Sinode voor te lê nie.</p>	<p>conflict with CO, art 30 in its concrete decisions regarding voting rights during Regional Synod Pretoria 2022 and delegation to a General Synod, because a decision was made at the same assembly to table a Point a description on the same matter to the General Synod.</p>
<p>10.4 <u>Bevinding deur Deputate</u> 10.4.1 Die appellant het nie genoegsaam bewys dat Streeksinode Pretoria 2022 in stryd met KO, art 30 besluitneming deur die Algemene Sinode vooruitgegaan het nie.</p>	<p>10.4 <u>Finding of the Deputies</u> 10.4.1 The appellant has not sufficiently shown that Regional Synod Pretoria 2022 pre-empted a decision by the General Synod in conflict with CO, art 30.</p>
<p>10.5 <u>Bevinding</u> 10.5.1 Appèlgrond 3 slaag nie.</p>	<p>10.5 <u>Finding</u> 10.5.1 Appeal Ground 3 does not succeed.</p>
<p>11. Appèlgronde 4-7: Ontleding, beoordeling en bevinding¹¹ 11.1 In die oorspronklike aanbieding van die Appèl deur die appellant is daar 'n duidelike onderskeid gemaak tussen Appèlgronde 1-3 en Appèlgronde 4-7: 11.1.1 Appèlgronde 1-3 handel oor prosedurele sake 11.1.2 Appèlgronde 4-7 handel oor inhoudelike sake 11.2 In die behandeling van die Appèl deur die Deputate vir Appèl (Algemene Sinode) saam met die Appellant en Toeligers het die Appellant Appèlgronde 4 en 6 teruggetrek. Appèlgrond 4 is heeltemal verwyder, terwyl Appèlgrond 6 as inleiding gevoeg is tot die <i>Afsluiting</i>. 11.3 Met die beoordeling van Appèlgronde 5 en 7 moet dus in gedagte gehou word dat hier sterk op die inhoudelike aspekte van die besluitneming gefokus word. 11.4 Daarmee saam moet by Appèlgrond 5 in gedagte gehou word dat Deel 2 van die Appèl (<i>Hoe die besluit in botsing is met bestaande Sinodebesluite</i>) ook as motivering vir hierdie Appèlgrond aangebied word. Hierdie bykomende motivering is 'n omvattende beoordeling en</p>	<p>11. Appeal Grounds 4-7: Analysis, judgement and finding²⁵ 11.1 In the original presentation of the Appeal by the appellant a clear distinction was made between Appeal Grounds 1-3 and Appeal Grounds 4-7: 11.1.1 Appeal Grounds 1-3: Procedural matters 11.1.2 Appeal Grounds 4-7: Content matters 11.2 In the review of the Appeal by the Deputies for Appeals (General Synod) with the appellant and advisors the appellant withdrew Appeal Grounds 4 and 6. Appeal Ground 4 was removed entirely, while Appeal Ground 6 was added as introduction to the <i>Conclusion</i>. 11.3 Upon judging Appeal Grounds 5 and 7 it must, therefore, be kept in mind that the focus is strongly on the content of the decision making. 11.4 It must also be kept in mind with the judging of Appeal Ground 5 that Part 2 of the Appeal (<i>How the decision is in conflict with existing Synod decisions</i>) is also presented as motivation for this Appeal. This additional motivation is a comprehensive review and interpretation of decisions of General Synods 2009, 2012, 2015, 2016 and 2018.</p>

¹¹ Appèlprosedure: 7.6.5.

²⁵ Appeal procedure: 7.6.5.

<p>interpretasie van besluite van Algemene Sinodes 2009, 2012, 2015, 2016 en 2018.</p> <p>11.5 Verder berus Appèlgrond 7 se argumentasie op die omvattende begroting en motivering wat in Appèlgrond 5 aangebied word.</p> <p>11.6 Appèlgrond 5 vra 'n beoordeling van spesifieke interpretasies en bedoelings van Sinodebesluite waaroor die Deputate op sigself en ook vanweë tydsbeperkings moeilik kan oordeel.</p> <p>11.7 Gevolglik kan geen verantwoordelike bevinding rakende Appèlgronde 4-7 en die beredenering daarvan gemaak word nie.</p> <p>11.8 Nadat die voorlopige bevindings deurgegee is, het die appellant die Deputate vir Appèl versoek om die Algemene Sinode in te lig dat hy bereid is om Appèlgronde 4-7 in geheel as Appèlgronde terug te trek indien die Sinode die bewysmateriaal wat in Appèlgronde 4-7 aangebied is, deur Studiedeputate sal laat oorweeg en beoordeel en die appellant sy insette by hulle kan lewer.</p> <p>Bevinding Die Algemene Sinode moet – in lyn met 7.6.9 van die Appèlprosedure versoek word om advies te gee oor hoe om met hierdie deel van die Appèl verder te handel.</p> <p>12. Finale bevinding¹² Die Appèl slaag op grond van Appèlgrond 1.</p> <p>13. Regsgevolge¹³ 13.1 Die volgende besluite van Streeksinode Pretoria 2022 is ongeldig: 13.1.1 Artikel 10: Beide 4.4 en die implikasie daarna 13.1.2 Artikel 14: 14.2.</p>	<p>11.5 Furthermore, the argument of Appeal Ground 7 is based on the comprehensive substantiation and motivation offered in Appeal Ground 5.</p> <p>11.6 Appeal Ground 5 requires judgement of specific interpretations and intentions of Synod decisions which the Deputies would struggle to judge and also due to time constraints.</p> <p>11.7 Consequently, no proper finding can be reached regarding Appeal Grounds 4-7 and their reasoning.</p> <p>11.8 After the provisional findings were conveyed, the appellant requested the Deputies for Appeals to inform the General Synod that he is willing to withdraw Appeal Grounds 4-7 completely should the Synod instruct the Deputies: Study to consider and judge the evidence presented in Appeal Grounds 4-7 and permit the appellant to offer input to them.</p> <p>Finding The General Synod must – in line with 7.6.9 of the Appeal Procedure, be requested to offer advice on how to proceed with this part of the Appeal.</p> <p>12. Final finding²⁶ The Appeal succeeds based on Appeal Ground 1.</p> <p>13. Legal consequences²⁷ 13.1 The following decisions of Regional Synod Pretoria 2022 is invalid: 13.1.1 Article 10 – Both 4.4 and its implication 13.1.2 Article 14 – 14.2.</p>
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¹² Appèlprosedure: 7.6.6.

¹³ Appèlprosedure: 7.6.7.

²⁶ Appeal procedure: 7.6.6.

²⁷ Appeal procedure: 7.6.7.

<p>14. Aanbevelings¹⁴</p> <p>14.1 Algemene Sinode 2023 keur die werkswyse van die Deputate vir Appèl goed.</p> <p>14.2 Algemene Sinode 2023 handel met die vraag hoe om met Appèlgronde 4-7 verder te handel.</p>	<p>14. Recommendation²⁸</p> <p>14.1 General Synod 2023 should approve the methodology of the Deputies for Appeals.</p> <p>14.2 General Synod 2023 should consider the question of how to proceed with Appeal Grounds 4-7.</p>
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H. RAPPORT VAN DIE AD HOC KOMMISSIE ADVIES OOR APPÈLGRONDE 5 EN 7 VAN DS C AUCAMP
REPORT OF THE AD HOC COMMISSION RE APPEAL GROUNDS 5 AND 7 OF REV C AUCAMP

<p>1. Opdrag Om die Sinode te adviseer oor hoe om Appèlgronde 5 en 7 van ds C Aucamp se Appèl teen Streeksinode Pretoria te hanteer. Besluit: Kennis geneem.</p> <p>2. Werkswyse Die Kommissie het gesprek gevoer met ds PW Kurpershoek van die Appèldeputate sowel as met ds C Aucamp en met prof J Smit. Besluit: Kennis geneem.</p> <p>3. Beredenering Uit die gesprek het die volgende duidelik geword:</p> <p>3.1 Dat die versoek om die genoemde Appèlgronde te hanteer nie 'n nuwe saak is wat op die Agenda van die Sinode is nie. Die materiaal is via die Appèl en die Appèldeputate se Rapport reeds op die tafel van die Sinode.</p> <p>3.2 Daar is drie wyses waarop die Sinode die genoemde Appèlgronde kan hanteer:</p> <p>3.2.1 Die Appèlgronde kan na 'n Appèlkommissie verwys word om staande die Sinode die Appèl af te handel.</p> <p>3.2.2 Die Appèlgronde kan na die Appèldeputate terugverwys word om op die volgende Sinode daaroor te rapporteer.</p> <p>3.2.3 Die Appèlgronde – veral Appèlgrond 5 sowel as die deel 2 van die Appèl wat handel oor die besluite van Sinode 2009 tot 2018 oor VIDA – word verwys na 'n Studiedeputate om die by die volgende Sinode te rapporteer.</p>	<p>1. Assignment To advise the Synod on how to deal with Appeal grounds 5 and 7 of Rev C Aucamp's Appeal against Regional Synod Pretoria. Decision: Noted.</p> <p>2. Modus operandi The Commission held discussions with Rev PW Kurpershoek of the Appeal deputies as well as with Rev C Aucamp and with prof J Smit. Decision: Noted.</p> <p>3. Reasoning The following became clear from the discussions:</p> <p>3.1 That the request to deal with the mentioned Appeal grounds are not a new matter on the Agenda of the Synod. The material is already on the Synod's table via the Appeal and the Appeal Deputies' Report.</p> <p>3.2 There are three ways in which the Synod can deal with the mentioned Appeal grounds:</p> <p>3.2.1 The Appeal grounds can be referred to an Appeals commission to settle the Appeal while the Synod is in session.</p> <p>3.2.2 The Appeal grounds can be referred back to the Appeal Deputies to report on them at the next Synod.</p> <p>3.2.3 The Appeal grounds – especially Appeal ground 5 as well as part 2 of the Appeal which deals with the decisions of Synod 2009 to 2018 on VIDA – are referred to Study deputies to report at the next Synod.</p>
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¹⁴ Appèlprosedure: 8.

²⁸ Appeal procedure: 8.

<p>3.3 Die appellant is daarvan bewus dat die Appèl nie tydens hierdie Sinode afgehandel kan word nie. Die appellant sal wel tevrede wees as die materiaal van Appèlgrond 5 behandel word. Hy gee nie om oor die wyse van behandeling waarop die Sinode besluit nie. Dit sou dus byvoorbeeld by wyse van Studiedeputate hanteer kon word.</p> <p>3.4 Die Kommissie beredeneer die saak soos volg:</p> <p>3.4.1 Dit is 'n staande gebruik in die GKSA dat regspraak so spoedig moontlik gelewer moet word. Hierdie gebruik berus daarop dat 'n appellant die reg het om so spoedig moontlik uitspraak oor sy saak te kry. Dit is ook 'n algemene regsreël.</p> <p>3.4.2 Die realiteit is egter dat dit soms vanweë omstandighede nie moontlik is om onmiddellike uitspraak te lewer nie. Daarby geld byvoorbeeld tydsdruk, te kort aan inligting oor die saak, om billik daaroor te oordeel.</p> <p>3.4.3 Kerkregtelikes oordeel oor die algemeen dat regspraak dus tydens die staande vergadering gelewer moet word. Ons vind egter by Spoelstra 'n aanduiding dat dit moontlik sou wees om in die bogenoemde situasie(s) (kyk 3.4.2 hierbo) 'n Appèl vir verdere studie en uitspraak te verwys: "Slegs in hoë uitsondering, op gewittige regsgronde en met toestemming van die appellant sou 'n Appèl vir ondersoek na Deputate vir... Rapport op 'n volgende samekoms verwys mag word."</p>	<p>3.3 The appellant is aware that the Appeal cannot be settled during this Synod. The appellant will indeed be satisfied if the material of Appeal ground 5 is dealt with. He is comfortable on how the Synod decides to deal with Appeal ground 5. For example: Appeal ground 5 could be handled by means of Study deputies.</p> <p>3.4 The Commission argues the case as follows:</p> <p>3.4.1 It is a standing practice in the GKSA that judgment must be delivered as soon as possible. This custom is based on the fact that an appellant has the right to get a ruling on his case as soon as possible. This is also a general rule of law.</p> <p>3.4.2 However, the reality is that sometimes due to circumstances it is not possible to deliver an immediate verdict. In addition, there is for example, time pressure, too little information about the case, to make a fair judgment about it.</p> <p>3.4.3 Church polity experts generally judge that judgment must therefore be delivered during the standing meeting. However, we find in Spoelstra an indication that it would be possible to refer an Appeal for further study and judgment in the above-mentioned situation(s) (see 3.4.2 above): "Only in high exceptional cases, on legitimate legal grounds and with the consent of the appellant an Appeal would be referred to Deputies for investigation to... report at a next meeting."</p>
<p>Besluit: Punte 3 tot 3.4.3 kennis geneem.</p>	<p>Decision: Points 3 to 3.4.3 noted.</p>
<p>4. Aanbeveling Die Kommissie beveel dus aan dat die Appèlgronde waaroor daar nie 'n beslissing gevel is nie na die aangewese Appèldeputate verwys word.</p> <p>Besluit: Goedgekeur.</p>	<p>4. Recommendation The Commission therefore recommends that the Appeal grounds on which a decision has not been made be referred to the designated Appeal Deputies.</p> <p>Decision: Approved.</p>