

24.7 BESWAARSKRIF – KLASSIS KWAZULU-NATAL SUID TEEN DIE BESLUIT VAN ALGEMENE SINODE 2018 RAKENDE DIE PROSEDURE INGEVOLGE KERKORDE, ART 8 (Artt 24, 26, 113)

24.7 PETITION OF PROTEST – CLASSIS KWAZULU-NATAL SOUTH AGAINST THE DECISION OF GENERAL SYNOD 2018 REGARDING THE PROCEDURE IN TERMS OF CHURCH ORDER, ART 8 (Arts 24, 26, 113)

- A. Ds AJ Burger stel die Beswaarskrif.
Rev. AJ Burger tables the Petition of Protest.
- B. **Besluit:** Die Beswaarskrif word verwys na Kommissie Beswaarskrifte 2.
Decision: The Petition of Protest is referred to Commission Gravamina 2.
- C. Persone wat insette wil gee, doen dit by die Kommissie.
Persons wishing to give input are to do so at the Commission.
- D. Dr WC Vergeer rapporteer namens Kommissie Beswaarskrifte 2.
Dr WC Vergeer reports on behalf of Commission Gravamina 2.

E. BESWAARSKRIF / PETITION OF PROTEST

<p>Hierdie beswaar is op 29/30 November 2022 ter tafel geneem deur die Streeksinode Vrystaat/KwaZulu-Natal wat as volg besluit het (Acta item 26): <i>“Aanbeveling: Hierdie Streeksinode neem kennis van die Beswaarskrif en gee Klassis KwaZulu-Natal Suid die advies om die Beswaarskrif direk by die Algemene Sinode in te dien.”</i> <i>Besluit: Goedgekeur.</i></p> <p>1. Besluit waarteen beswaar aangeteken word Die besluit is opgeteken in Acta 2018:953-956 en word volledig aangehaal. (Die nommering is dieselfde as in die Acta.)</p> <p>1. Sake waarvan die Sinode kennis neem</p> <p>1.1 Opdrag <i>Die Algemene Sinode 2015 het die volgende besluite geneem ten opsigte van die Beswaarskrif KO, art 8 deur GK Pinetown:</i> <i>“8.1 Omdat beswaargrond 1 die essensie van KO, art 8 raak, slaag die Beswaarskrif in geheel.</i> <i>8.2 Die versoek van GK Pinetown dat hul voorgestelde Prosedure aanvaar word, word in die lig van KO, art 30 nie aan gevolg gegee nie.</i> <i>8.3 Die voorgestelde Prosedure word na die Kuratore verwys om, in ooreenstemming met die Kerkorde en Sinodebesluite, as riglyn aan die kerke deur te gee”.</i></p> <p>1.2 Besinning oor die besluit van die Algemene Sinode</p>	<p>This objection has been tabled on 29/30 November 2022 at the Regional Synod Vrystaat/KwaZulu-Natal which decided as follows (Acta item 26.): <i>“Recommendation: This Regional Synod take note of the gravamen and give Classis KwaZulu-Natal South advice to hand the gravamen directly in at the General Synod.”</i> <i>Decision: Approved.</i></p> <p>1. Decision against which the objections is made The decision is noted in Acta 2018:953-956 and is quoted completely. (The numbering is the same as in the Acta.)</p> <p>1. Matters that the Synod takes note of</p> <p>1.1 Mandate <i>General Synod 2015 took the following decisions regarding the Petition CO, art 8 of GK Pinetown:</i> <i>“8.1 Since petition ground 1 goes to the heart of CO, art 8, the Petition is successful as a whole.</i> <i>8.2 The request of GK Pinetown for acceptance of their proposed procedure is not to be carried out in light of CO, art 30.</i> <i>8.3 The proposed procedure is to be referred to the Curators, in accordance to the Church Order and Synod decisions, to circulate to the churches as guideline”.</i></p> <p>1.2 Review of the decision of the General Synod</p>
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1.2.1 Sinode 2015 het slegs op een grond die Beswaarskrif van die GK Pinetown laat slaag (p293). Die grond (beswaargrond 1) stel dat die balans van die evalueringslas oor die hantering van 'n art 8-aansoek vanaf die Klassis na die TSP verskuif. Die beswaargrond wat te doen het met prosedures en riglyne vir die vasstelling of iemand buitengewone gawes het (beswaargrond 2), die volgorde van evaluering (beswaargrond 3) en die verskillende rolspelers wat by die art 8-proses betrokke is beswaargrond 4), is nie deur die Sinode gehandhaaf nie.

1.2.2 Paragraaf 1 van die geslaagde beswaargrond verwys na 2.2 van die bestaande reëling oor eksaminering ingevolge KO, art 8 (Prospektus TSP p57).

Beredenering: Punt 2.2 stel dat 'n art 8-aansoek by 'n Kerkraad begin. As die Kerkraad oordeel dat 'n kandidaat meriete het, word sy aansoek na die TSP verwys voordat die Klassis/Meerdere vergadering met 'n proses van eksaminering begin. In aansluiting by 2.2 is die volgende in hakies bygevoeg: (Dit sal verstandig wees indien die Kerkraad ook die advies van die Klassis mbt die KO, art 8 aansoek vra). Die bedoeling met die woorde in hakies is dat die Kerkraad wat die art 8 aansoek hanteer, reeds op 'n vroeë stadium advies uit die naburige kerke kan vra. Hierdie advies moet nie verwar word met die eksaminering en preekproewe waarvan KO, art 8 melding maak nie.

1.2.3 Paragraaf 2 van die geslaagde beswaargrond stel dat die TSP effektief die primêre evalueringsparty in die 2012-prosedure word.

Beredenering: Die Kerkraad is en bly die handelende liggaam tydens hele verloop van die art 8-aansoek. Die Kerkraad evalueer of die aansoeker werklik die buitengewone gawes het. As die Kerkraad oordeel dat dit die geval is, verwys hulle die kandidaat na die TSP. Die TSP assesseer die kandidaat. Op grond van die assessering word die aansoek terugverwys na die Kerkraad, waarna

1.2.1 Synod 2015 only declared one petition ground of the GK Pinetown successful (p293). Petition ground 1 states that the balance of the evaluation burden, in regard to an art 8 application, shifts from the Classis to the TSP. The petition grounds that relate to procedures and guidelines for identifying possible extraordinary gifts of a person (petition ground 2), the sequence of evaluation (petition ground 3) and the different role players relevant to the art 8 process (petition ground 4) were not upheld by the Synod.

1.2.2 Paragraph 1 of the successful petition ground refers to 2.2 of the existing arrangement re. examination according to CO, art 8 (Prospectus TSP p57).

Reasoning: Point 2.2 states that an art 8 application is initiated by a Church Council that deems a candidate has merit and refers his application to the TSP before the Classis/Major assembly undertake the process of examination. In conjunction to 2.2, the following is added in brackets: (It would be prudent for the Church Council to seek the advice of the Classis in regard to CO, art 8). The statement in brackets implies that the Church Council reviewing the art 8 application may already seek the advice of neighbouring churches early on in the proceedings. This advice is not to be confused with the examination and probationary sermons referred to in CO, art 8.

1.2.3 Paragraph 2 of the successful petition ground proposes the TSP effectively become the primary evaluation party in the 2012 procedure.

Reasoning: The Church Council is and remains the driving body during the art 8 application. The Church Council evaluates whether the applicant truly possesses extraordinary gifts and should this be deemed to be the case, the candidate is referred to the TSP. The TSP assesses the candidate and then refers the application back to the Church Council, upon which the examination by the major assembly(ies) proceeds.

<p>die proses van eksaminering deur die meerdere vergadering(s) plaasvind.</p> <p>1.2.4 Paragraaf 3 van die geslaagde beswaargrond stel dat daar 'n potensiele konflik van belange by die TSP kan wees, aangesien die instansie wat handel oor akademiese bevoegdheid hom moet uitspreek oor die aard en omvang van die buitengewone gawes, godsaligheid, ootmoedigheid, goeie verstand, onderskeidingsvermoë en welsprekendheid van 'n kandidaat.</p> <p><u>Beredenering:</u> Die potensiele konflik moet inderdaad vermy word. KO, art 8 moet egter in verband met KO, 4 en 9 verstaan en toegepas word. Almal wat tot die diens van die Woord toegelaat word, word ooreenkomstig dieselfde norm toegelaat, ook al is daar verskil van roete wat gevolg word. Die TSP assesseer die norm in alle gevalle.</p> <p>1.3 Die huidige Prospektus en die besluit van die Algemene Sinode</p> <p>1.3.1 Die reëling in die Prospektus wat betrekking het op KO, art 8 is genoegsaam en moet nie met die voorgestelde "Prosedurele riglyne vir die evaluering van aansoeke in terme van KO, art 8" (Sinode 2015:293-300) vervang word nie. Die kerke het nog altyd daarteen gewaak om te wil oorreglementeer. Sinode 2015 het met die afwys van beswaargrond 2 van die Beswaarskrif die gevaar van oorreglementering bevestig.</p> <p>1.3.2 Die woorde in hakies (Dit sal verstandig wees indien die Kerkraad ook die advies van die Klassis mbt die KO, art 8 aansoek vra) onder 2.2 het klaarblyklik verwarring veroorsaak, tot só 'n mate dat 'n Beswaarskrif op 'n grond hierteen slaag. Sonder dat dit aan die verdere inhoud van die prosedure in die Prospektus verander, kan dit goedskiks geskrap word.</p> <p>1.4 Besluit van die Kuratore (Notule K15-06-18:8.3)</p> <p>1.4.1 Dat die Prosedure ingevolge art 8 soos volg gewysig word.</p> <p>1.4.2 Die wysiging word in die Prospektus van die TSP opgeneem en aan die kerke beskikbaar gestel.</p> <p>1.5 Wysiging van Prosedure ingevolge KO, artl 8 op grond van die besluit van die Algemene Sinode (Notule K15-06-18:8.3)</p>	<p>1.2.4 Paragraph 3 of the successful petition ground raises the potential conflict of interest at the TSP, since an institution that is directed at academic competency must now judge the nature and scope of the extraordinary gifts, piety, humility, mental fortitude, discernment ability and eloquence of a candidate.</p> <p><u>Reasoning:</u> Any potential conflict must indeed be avoided. CO, art 8 must, however, be understood and applied in relation to CO, arts 4 and 9. Whoever is admitted to the ministering of the Word, is admitted based on a common principle regardless of the route taken. The TSP assesses the norm in all case</p> <p>1.3 The current Prospectus and decision of the General Synod</p> <p>1.3.1 The stipulation in the Prospectus related to CO, art 8 suffices and should not be replaced with the proposed "Procedural guidelines for the evaluation of applications in terms of CO, art 8" (Synod 2015:293-300). The churches have always been cautious to overregulate. Synod 2015 confirmed the risk of overregulation with the rejection of petition ground 2.</p> <p>1.3.2 The statement in brackets (It would be prudent for the church council to seek the advice of the Classis in regard to CO, art 8) under 2.2 has apparently created confusion, to the degree that a petition of protest is successful on this ground. Without it amending additional content within the procedure in the Prospectus, it can be summarily scrapped.</p> <p>1.4 Decision of the Curators (Minutes K15-06-18:8.3)</p> <p>1.4.1 The Procedure in terms of art 8 be amended as follows.</p> <p>1.4.2 The amendment is adopted into the Prospectus of the TSP and made available to the churches.</p> <p>1.5 Amendment of procedure in terms of CO, art 8 based on the decision of the General Synod (Minutes K15-06-18:8.3)</p>
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1.6 Die Kuratore het na deeglike ondersoek, met verrekening van die Beswaarskrif en die besluite van die Sinode, die Prosedure ingevolge art 8 soos volg gewysig:

Besluit: Punte 1.1 tot 1.5: Dat die Rapport wat vir kennisname voorgehou is, deur die vergadering goedgekeur word.

EKSAMINERING PROSEDURE
INGEVOLGE KERKORDE, ARTIKEL 8

Iemand wat nog nie gestudeer het nie, maar op grond van uitsonderlike gawes tot die diens van die Woord toegelaat wil word, se aansoek en ondersoek word soos volg hanteer:

2.1 Die aanvanklike aansoek om in terme van KO, art 8 tot die bediening toegelaat te word, word aan die aansoeker se Kerkraad gerig.

2.2 Indien die Kerkraad oordeel dat die aansoek meriete het, word die KO, art 8 aansoek (deur die aansoeker met volledige motivering soos art 8 beskryf tesame met 'n aanbeveling van die Kerkraad) by die TSP ingedien. ~~(Dit sal verstandig wees indien die Kerkraad ook die advies van die Klassis mbt die KO, art 8 aansoek vra.)~~

2.3 Die aansoeker meld by die TSP (Senaat en Kuratore) aan vir 'n colloquium doctum. Die colloquium doctum dien as 'n assessering van die teologiese geskiktheid van die aansoeker. Drie preke (OT, NT en HK) word geëksamineer.

2.4 Die TSP maak die uitslag van die assessering aan die Kerkraad bekend.

2.5 Die Kerkraad gee die nodige dokumentasie en motivering aan die aansoeker om by die Streeksinode aan te meld.

2.6 Indien die Streeksinode bevind dat die aansoeker slaag, word die student na 'n Klassis gestuur om 'n tyd lank preekproewe te lewer, en om dan met hom te handel soos die Klassis stigtelik oordeel.

Aanduiding van wysigings

Opskrif: "Eksaminering" word vervang met "Prosedure".

Paragraaf 2.2: Die eerste hakies word weggeneem. Die woorde in die tweede hakies word weggeneem.

(Nota: Die wysigings verwys na die verskille tussen die 2012 en 2018 Sinodebesluite.)

1.6 Upon thorough review, taking into account the Petition of protest and the decisions of the Synod, the Curators amended the procedure in terms of art 8 as follows:

Decision: Points 1.1 to 1.5: That the Report which was to be noted, be approved.

EXAMINATION PROCEDURE IN TERMS
OF CHURCH ORDER, ARTICLE 8

The application and review of anyone who wishes to be admitted to the ministry of the Word based on extraordinary gifts, but has not studied, is subject to the following procedure:

2.1 The initial application to be admitted to the ministry of the Word, in terms of CO, art 8, is submitted to the applicant's Church Council.

2.2 Should the Church Council deem the application of merit, the CO, art 8 application is submitted to the TSP (by the applicant, including a full motivation as described in art 8 together with the recommendation of the Church Council. ~~(It would be prudent for the Church Council to seek the advice of the Classis in regard to CO, art 8.)~~

2.3 The applicant reports to the TSP (Senate and Curators) for a colloquium doctum. The colloquium doctum serves as assessment of the theological suitability of the applicant. Three sermons (OT, NT and HC) are examined.

2.4 The TSP informs the Church Council of the result of the assessment.

2.5 The Church Council provides the applicant with the necessary documentation and motivation for submission to the Regional Synod.

2.6 Should the Regional Synod deem the application successful the student is referred to a Classis for a period of probationary sermon testing and then proceeds as per the Classis' orderly judgement.

Indication of amendments

Heading: "Examination" is replaced with "Procedure".

Paragraph 2.2: The first set of brackets is removed and the wording in the second set of brackets is removed.

(Note: The amendments refer to the differences between the 2012 and the 2018 Synod decisions.)

2. Historiese verloop

Tensy anders gestel verwys “Sinode” deurgaans na “Algemene Sinode”.

Gedurende 2010 het die Kuratore van die TSP ‘n prosedure opgestel om ‘n aansoek rakende KO, art 8 te hanteer. Alhoewel dit klaarblyklik as ‘interne prosedure’ bedoel was, het 2012 Sinode dit goedgekeur vir gebruik deur die kerke.

‘n Beswaar teen die besluit het gedien by die 2015 Sinode wat een van vier beswaargronde gehandhaaf het, naamlik dat die prosedure in stryd is met KO, art 8 omdat die sentrum van eksaminering van die Klassis verskuif is na die TSP. Omdat die beswaargrond die essensie van KO, art 8 raak, het die Sinode die beswaar in geheel gehandhaaf.

Die beswaardes het ‘n uitgebreide prosedure voorgestel vir gebruik deur die kerke. Die 2015 Sinode het nie die aanbevole prosedure aanvaar nie omdat dit KO, art 30 in gedrang sou bring. Die prosedure is wel verwys na die Kuratore om as moontlike riglyn vir die kerke te oorweeg.

Die 2018 Algemene Sinode het die hele Rapport van die Kuratore, insluitend dit wat ter kennisname voorgehou is, as besluit vir die Sinode se rekening geneem. Op aanbeveling van die Kuratoreverslag besluit die 2018 Algemene Sinode om nie die 2015 beswaardes se verwysde prosedure as riglyn vir kerke te stel nie, aangesien dit sou neerkom op oorreglementering.

Sonder dat daar enige beswaar gedien het teen die 2015 Sinodebesluit dat die 2012 prosedure in stryd was met die KO, besluit die 2018 Sinode om die oorspronklike 2012 prosedure, (met enkele redaksionele wysigings) weer netso as prosedure vir die kerke te stel.

Hierdie beswaar is gerig teen daardie 2018 besluit.

3. Prosedure vir die Kerke of vir die Kuratore/TSP?

Die aanvanklike bedoeling in 2012 was na bewering ‘n “interne” prosedure vir die gebruik van die Kuratore en TSP en nie bedoel as voorskriftelik vir die kerke nie. Die besluit van die 2012 Sinode het dit

2. Historical background

Unless states differently “Synod” refer throughout to “General Synod”.

During 2010 the Curators of the TSP compiled a procedure to be followed when an application regarding CO, art 8 is received. Although this was apparently intended as an ‘internal procedure’, the 2012 General Synod approved it for the use by the churches.

An objection against the decision was lodged at the 2015 Synod, which upheld one of four grounds of objections, namely that the procedure was not in accordance with CO, art 8 as the centre of examination was moved from the Classis to the TSP. Since this ground of objection related to the essence of CO, art 8, the objection was upheld in its entirety.

The objectors proposed an elaborate procedure for use by the churches. The 2015 Synod did not accept the proposed procedure since it would be jeopardise CO, art 30. The procedure was referred to the Curators to be considered as a potential guideline to the churches.

The 2018 Synod took the complete Report by the Curators, including that which was only included for the Synod to take note of, as a decision by the General Synod.

Based on the recommendation of the Curators report, the 2018 General Synod decided not to refer the procedure proposed by the 2015 objectors to the churches, since that would constitute over regulation.

Without any objection against the 2015 Synod decision that the 2012 procedure was in conflict with the CO, the 2018 Synod decided to set the original 2012 procedure (with limited editorial changes), as a procedure for the churches.

This objection is aimed against that 2018 decision.

3. Procedure for the Churches or for the Curators/TSP?

The original intent in 2012 was apparently an “internal” procedure for the use of the Curators and the TSP and not intended to be prescriptive to the churches. The decision of the 2012 Synod has however

<p>egter van toepassing op die kerke gemaak soos wat die 2015 Sinode ook aanvaar het op grond van die beredenering van die Kommissie vir pre-advies (Acta 2015:301, 4.3.5).</p> <p>Dieselfde vraag sou weer van die 2018 Sinode besluit gevra kon word – is dit ‘n prosedure vir die kerke of net vir die Kuratore/TSP?</p> <p>Vanuit die 2015 opdrag aan die Kuratore en die inhoud van die 2018 Sinode besluit word dit duidelik ‘n prosedure vir die kerke en nie net vir die Kuratore en TSP nie.</p> <p><u>Beredenering</u></p> <p>3.1 <i>Opdrag:</i> Die 2015 Sinode opdrag aan die Kuratore was om ‘n riglyn “vir die kerke” te oorweeg. Vanuit hierdie opdrag en volgens KO, art 49 is die uiteindelige besluit van toepassing “vir die kerke”.</p> <p>3.2 <i>Inhoud:</i> Die prosedure bevat handeling deur ander partye as net die Kuratore en TSP – synde <i>die Kerkraad</i>, (pt 2.5 dat die Kerkraad die applikant na die Streeksinode verwys na TSP assessering)</p> <p><i>die Streeksinode</i> (pt 2.5 en 2.6 impliseer dat die Streeksinode die aansoeker sou eksamineer) en <i>die Klassis</i> (pt 2.6 dat na suksesvolle eksaminering deur die Streeksinode, preekproewe gereël word en finaal gehandel word).</p> <p>Dit is derhalwe is dit ‘n prosedure wat nie net tot die Kuratore en TSP beperk is nie, maar “vir die kerke”.</p> <p>Hierdie beswaar word derhalwe gerig teen die prosedure soos die 2018 Sinode dit as prosedure gestel het vir al die betrokke partye, nl. die aansoeker, Kerkraad, Klassis, Streeksinode en die Kuratore/TSP.</p> <p>4. Beswaar</p> <p>Die 2018 Algemene Sinode besluit rakende die “Prosedure ingevolge KO, art 8” is in verskeie aspekte in stryd met die Kerkorde.</p> <p>4.1 <i>Beswaargrond 1: Besluit in stryd met KO, art 8</i></p> <p>Die 2018 besluit is in stryd met KO, art 8 omdat dit die verantwoordelikheid van</p>	<p>made it applicable to the churches as was acknowledged by the 2015 General Synod’s Commission for pre-advice (Acta 2015:301, 4.3.5).</p> <p>The same question could again be asked regarding the 2018 Synod’s decision – is it a procedure for the churches or only for the Curators/TSP?</p> <p>Base on the 2015 assignment to the Curators and the content of the 2018 Synod’s decision it becomes clear that it is a procedure for the churches and not only for the Curators and the TSP.</p> <p><u>Reasoning</u></p> <p>3.1 <i>Mandate:</i> The 2015 Synod assignment was to consider a guideline “for the churches”. Based on the assignment in accordance to CO, art 49 the eventual decision is applicable “for the churches”.</p> <p>3.2 <i>Content:</i> The procedure includes actions for other parties than the Curators and TSP – being <i>Church Council</i> (pt 2.5 that the Church Council refer the applicant to the Regional Synod following TSP assessment) <i>the Regional Synod</i> (pt 2.5 and 2.6 implies that the Regional Synod would examine the applicant) <i>the Classis</i> (pt 2.6 that following successful examination by the Regional Synod, the Classis arranges for probationary sermon testing before an orderly judgement).</p> <p>It is therefore a procedure that is not limited to the Curators and the TSP, but “for the churches”.</p> <p>This objection is therefore aimed against the procedure as the 2018 General Synod decided for all parties concerned, namely the applicant, Church Council, Classis, Regional Synod and the Curators/TSP.</p> <p>4. Objection</p> <p>The 2018 General Synod decision regarding the “Procedure in terms of CO, art 8” is in conflict with the Church Order in several aspects.</p> <p>4.1 <i>Ground of Objection 1: Decision in conflict with CO, art 8</i></p> <p>The 2018 Synod decision is in conflict with CO, art 8 since the responsibility for</p>
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eksaminering wat in KO, art 8 uitdruklik aan die Klassis toegeskryf word, minag en verplaas na die TSP (eerstens) en die Streeksinode (tweedens).

Motivering

KO, art 8 stel eksplisiet dat iemand wat nie gestudeer het nie, maar tot die diens van die Woord toegelaat wil word, deur die klassis geëksamineer word, as die Streeksinode dit goedvind. Geen rol word aan die Teologiese Skool of die Kuratore toegewys nie – KO, art 8 handel immers spesifiek oor persone wat nie gestudeer het nie.

Die 2018 Sinode besluit stel egter die proses van eksaminering soos volg:

die Kerkraad (2.2. wat nie eksamineer nie maar oordeel of die aansoek “meriete het”)

die TSP (2.3 wat via ‘n ‘geleerde gesprek’ of *colloquium doctum* die teologiese geskiktheid assesseeer)

en die Streeksinode (2.6 wat moet bevind of die aansoeker slaag, m.a.w. *eksaminering*).

Die Klassis word eers deel van die proses na afloop van suksesvolle eksaminering (2.6 om ‘n tyd lank preekproewe te reël en dan tot beste stigting te handel).

Die 2018 Sinode besluit is ooglopend in stryd met KO, art 8 wat spesifiek die Klassis as party vir eksaminering aandui.

Dit was reeds die oordeel van die 2015 Sinode.

Die 2018 prosedure van eksaminering is wesenlik identies aan die vorige 2012 prosedure, soos die Kuratore en die 2018 Sinode self uitwys. Pt 1.3.2 van die besluit se besinning stel, “*Sonder dat dit aan die verdere inhoud van die prosedure in die Prospektus verander, kan dit goedsikks geskrap word.*” (Verwysend na die wysiging van die 2012 besluit wat in die Prospektus van die TSP opgeneem is. Sien veranderings aangedui in die aanhaling van die 2018 besluit hierbo in punt 1.)

Die 2015 Sinode het egter reeds bevind dat, “... soos die besluit tans (2012) verwoord is, neem die TSP dus ‘n posisie in wat in stryd is met die bedoeling van KO, art 8.” (*Acta 2015:301, 4.3.5*).

examination which in CO, art 8 is explicitly assigned to the Classis, is not upheld as it is moved to the TSP (firstly) and the Regional Synod (secondly).

Motivation

CO, art 8 stipulate explicitly that anyone that has not studied but want to be admitted to the office of the Word, would be examined by the Classis, with approval by the Regional Synod. No role is assigned to the Theological School or the Curators – after all, CO, art 8 deals with persons that has not studied.

The 2018 Synod decision assigns the process of examination as follows:

the Church Council (2.2 which does not examine but deem if the application “has merit”)

the TSP (2.3 which through a ‘learned discussion’ of *colloquium doctum* assesses the theological suitability)

and the Regional Synod (2.6 which could deem the application successful).

The Classis becomes part of the process only after successful examination (2.6 to arrange a period of probationary sermon testing and orderly judgement).

The 2018 Synod decision is clearly in conflict with CO Art 8 in which the Classis is assigned as the party responsible for the examination.

This was already the judgement of the 2015 Synod.

The 2018 procedure for examination is essentially identical to the previous 2012 procedure, as the Curators and the 2018 Synod indicate themselves. Pt 1.3.2 of the decision states, “*Without it amending additional content within the procedure in the Prospektus, it can be summarily scrapped.*” (Referring to the change of the 2012 procedure in the Prospektus of the TSP. See changes indicated in the quote of the 2018 decision above in point 1.)

The 2015 Synod has already judged that, “... *As the decision is worded at present, the TSP is in a position that is in conflict with the intention of CO, art 8.*” (*Acta 2015:301, 4.3.5*).

<p>Dieselfde geld steeds/weer netso vir die 2018 Sinode besluit wat, op enkele redaksionele veranderings na, identies is aan die 2012 Sinode besluit.</p> <p>4.2 <i>Beswaargrond 2: Besluit in stryd met KO, art 30</i></p> <p>Die 2018 Sinode besluit is in stryd met KO, art 30 want dit skryf aan mindere vergaderings voor hoe om verantwoordelikhede uit te voer wat eksplisiet in die Kerkorde aan mindere vergaderings opgedra word.</p> <p><u>Motivering</u></p> <p>Wanneer iemand wat nie gestudeer het nie hom aanmeld om toegelaat te word tot die diens van die Woord, is KO, art 8 eksplisiet dat dit die Klassis is wat hom moet eksamineer, as die Streeksinode dit goedvind. Verder dat indien suksesvol in die Klassis se eksaminering, om dan met preekproewe voort te gaan en uiteindelik 'n besluit te neem wat die Klassis as stigtelik oordeel.</p> <p>Dit is derhalwe die Klassis se verantwoordelikheid om sy eie werkswyse of prosedure te bepaal om die werk uit te voer wat spesifiek aan hom opgedra word. (Die Klassis sou sekerlik insette van ander party kon versoek soos waarskynlik die Kerkraad, die TSP en die Streeksinode. Maar dit is die Klassis wat moet oordeel watter inset van watter partye gevra word.)</p> <p>Volgens KO, art 30 is dit nie geoorloof vir 'n meerdere vergadering om sake te hanteer wat deur 'n mindere vergaderings afgehandel kan word nie. Die 2018 Sinode besluit is in stryd met KO, art 30 aangesien dit 'n prosedure aan mindere vergaderings voorskryf hoe dit hulle werk moet doen. Erger nog, partye aan wie die Kerkorde geen verantwoordelikhede in die eksaminering opdra nie (nl. Kuratore, TSP, Algemene Sinode) ontnem die rol van die party wat eksplisiet verantwoordelik is vir die eksaminering (die Klassis), en verontagsaam die Klassis en verwyder die Klassis effektief uit die rol wat deur die KO daaraan opgedra word.</p> <p>Die 2015 Sinode het juis in die handhawing van KO, art 30 nie gevolg gegee aan die aanbeveling van die</p>	<p>Likewise it holds again/still for the 2018 Synod decision which, apart from a few editorial changes, is identical to the 2012 Synod decision.</p> <p>4.2 <i>Ground of Objection 2: Decision in conflict with CO, art 30</i></p> <p>The 2018 Synod decision is in conflict with CO, art 30 as it prescribes to minor assemblies how to execute responsibilities that is explicitly assigned in the Church Order to minor assemblies.</p> <p><u>Motivation</u></p> <p>When someone that has not studied present himself for the office of the Word, then CO, art 8, is explicit that it would be the Classis which examines him, if the Regional Synod approves. Furthermore, that if successful in the Classis examination, that the Classis would then arrange for probationary sermons after which the Classis would deal with the matter as the Classis judge in an edificatory manner.</p> <p>It is therefore the responsibility of the Classis to determine the manner how it executes the responsibility explicitly assigned to it. (The Classis could surely request contribution from other parties, probably the Church Council, the TSP and the Regional Synod. But it would be for the Classis to determine which contribution to be requested from which party.)</p> <p>According to CO, art 30 it is not permissible for a major assembly to handle matters that can be completed by a lesser assembly.</p> <p>The 2018 Synod decision is in conflict with CO, art 30 since it prescribes a procedure to a minor assembly on how it should do its work. Even worse, parties which are assigned no responsibility in the church order (namely the Curators, TSP, General Synod) negates and effectively removes the role of the party that is explicitly responsible (the Classis) for the examination itself.</p> <p>The 2015 Synod upheld CO, art 30 in deciding not to approve the proposal of the 2015 objectors to set a procedure to</p>
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<p>2015 beswaardes om 'n prosedure aan die kerke te gee nie, maar die opdrag gegee dat die Kuratore dit as moontlike "riglyn" sou oorweeg (Acta 2015:303, 8.2 en 8.3). 'n "Riglyn" wys rigting aan in die oorweging en bepaling van 'n werkswyse, maar 'n "prosedure" bepaal 'n spesifieke werkswyse, en dit is in stryd met KO, art 30.</p> <p>4.3 <i>Beswaargrond 3: Besluit in stryd met KO, art 46</i></p> <p>Die 2018 Kuratore voorstel en daaropvolgende Sinode besluit is in stryd met KO, art 46 want dit verreken nie die 2015 Sinode besluit oor dieselfde saak effektief nie.</p> <p><u>Motivering</u></p> <p>Die oogmerk van KO, art 46 is om te voorkom dat dieselfde saak wat voorheen reeds afgehandel is by herhaling weer die vergadering se tyd en aandag in beslag neem. Daar word wel ruimte gegun indien dit noodsaaklik sou wees om iets wat reeds afgehandel is te verander.</p> <p>Die blyk ooglopend dat die 2018 Kuratorerapport en die Sinode besluit nie die 2015 Sinode besluit effektief in ag geneem het nie.</p> <p>Die 2018 Sinode het, op enkele uitsonderings na, woordeliks dieselfde besluit geneem as die 2012 Sinode.</p> <p>Uit 'n vergelyking van die twee besluite (2012 en 2018) is dit ooglopend dieselfde met net twee redaksionele verskille:</p> <p><u>Eerstens</u> – die titelverandering van "Eksaminering" in 2012 na "Prosedure" in 2018 het geen impak op die draagwydte, die inhoud of die effek van die besluit nie. 'n Saak word na sy inhoud hanteer en nie volgens sy titel nie. (Sien bv. Spoelstra, Gereformeerde Kerkreg en Kerkregering:270).</p> <p><u>Tweedens</u> – die sin in hakies van die 2012 besluit "(Dit sal verstandig wees indien die Kerkraad ook die advies van die Klassis mbt die KO, art 8 aansoek vra.)", wat weggelaat is uit die 2018 besluit verander geensins die inhoud van die besluit nie. Dit word juis so gestel in punt 1.3.2 van die "besinning van die besluit" gedeelte van die 2018</p>	<p>the churches but referred it to the Curators to consider it as a possible "guideline" (Acta 2015:303, 8.2 and 8.3). A "guideline" indicates direction in the consideration and definition of a work method, but a "procedure" is setting a specific method of work, which is against CO, art 30.</p> <p>4.3 <i>Ground of Objection 3: Decision in conflict with CO, art 46</i></p> <p>The 2018 Curator proposal and the subsequent Synod decision is in conflict with CO, art 46 as it does not account effectively for the 2015 Synod decision on the same matter.</p> <p><u>Motivation</u></p> <p>The objective of CO, art 46 is to prevent the same matter that has been completed before to repeatedly take time and attention of the meeting. Room is however made if it becomes essential to change something that has already been completed.</p> <p>It is quite evident that the 2018 Curators' report as well as the Synod decision did not effectively account for the 2015 General Synod decision.</p> <p>The 2018 Synod took, with a few editorial changes, the same decision as the 2012 Synod.</p> <p>From a comparison between the two decisions (2012 and 2018) it is clearly the same with only two editorial differences:</p> <p><u>Firstly</u> – the title changes from "Examination" in 2012 to "Procedure" in 2018 has not impact on the application, the content or the effect of the decision. The implication should be judged by the content and not by the title. (Refer to Spoelstra, Gereformeerde Kerkreg en Kerkregering <i>meaning "Reformed Church Polity and Church Governance:270</i>).</p> <p><u>Secondly</u> – the sentence in brackets in the 2012 decision "(It would be prudent for the Church Council to seek the advice of the Classis in regard to CO, art 8.)", which was removed in the 2018 decision does not alter the content of the decision at all. That is in stated in pt 1.3.2 of the "reasoning" of the decision itself – "Without it amending additional content</p>
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<p>Sinode besluit, “Sonder dat dit aan die verdere inhoud van die prosedure in die Prospektus verander, kan dit goedskijs geskrap word.” (Die Prospektus verwysing is dieselfde prosedure as die 2012 Sinode besluit.)</p> <p>Deur egter ‘n beswaar te handhaaf teen die 2012 besluit, het die 2015 Sinode besluit dat daardie prosedure in stryd is met die Kerkorde (Acta 2015:303).</p> <p>Die beredenering in punt 1.3.2 van die “Besinning” in die 2018 Sinodebesluit, dat die 2015 Algemene Sinode die beswaar gehandhaaf het weens ‘n klaarblyklike verwarring weens die sin tussen hakies, is nie korrek nie en word nie bewys nie. Die motivering vir die 2015 Sinode besluit stel die rede vir die handhawing van die betrokke beswaargrond duidelik (Acta 2015:301, 4.3.5 “Soos die besluit tans verwoord is, neem die TSP dus ‘n posisie in wat in stryd is met die bedoeling van KO, art 8.” en 4.4 “dat die huidige prosedure die evalueringslas van die kerke na die TSP geskuif het.” Dit is die betekenis beide mét die sin in hakies (2012) sowel as sónder die sin in hakies (2018).</p> <p>Sonder effektiewe verrekening van die 2015 Sinode besluit het die Kuratore in wese dieselfde prosedure wat reeds afgekeur is voorgestel, en dit is deur die 2018 Sinode as besluit goedgekeur sonder om die 2015 besluit effektief te verreken.</p> <p>4.4 <i>Beswaargrond 4: Besluit in stryd met KO, art 49</i></p> <p>Die 2018 Sinode besluit is in stryd met KO, art 49 want dit berus op ‘n aanbeveling van die Kuratore wat buite hulle “welomskrewe” spesifieke opdrag was.</p> <p><u>Motivering</u></p> <p>KO, art 49 reël dat Deputate slegs werk volgens ‘n welomskrewe opdrag uitvoer. Dit voorkom enige vorm van hiërgarie (Verwys Vorster, An Introduction to Reformed Church Polity:88) en dit dra by daartoe dat sake op die meerdere vergadering agenda uitsluitlik van die kerke kom. (Verwys KO, art 50.)</p>	<p><i>within the procedure in the Prospectus, it can be summarily scrapped.”</i> (The Prospectus reference is the same procedure as the 2012 Synod decision.)</p> <p>However, by upholding an objection against the 2012 decision, the 2015 Synod decided that that procedure is in conflict with the Church Order (Acta 2015:303).</p> <p>The reasoning in point 1.3.2 of the “reasoning” in the 2018 Synod decision, that the 2015 General Synod upheld the objection due to an apparent confusion caused by the sentence in brackets, is not correct and not proven. The 2015 Synod decision clearly states the reason for upholding the objection (Acta 2015:301, 4.3.5 (freely translated) “As the decision is worded at present, the TSP takes a position which is in conflict with the intention of CO, art 8.” and 4.4 (freely translated) “that the present procedure the evaluation role has been moved from the churches to the TSP.” This is the meaning in both cases – with the sentence in brackets (2012) as well as without the sentence in brackets (2018).</p> <p>Without effectively accounting for the 2015 Synod decision the Curators proposed essentially the same procedure which was already rejected as the 2018 Synod decided.</p> <p>4.4 <i>Ground of Objection 4: Decision in conflict with CO, art 49</i></p> <p>The 2018 Synod decision is in conflict with CO, art 49 as it is based on a proposal from the Curators which was outside of their “explicit instructions”.</p> <p><u>Motivation</u></p> <p>CO, art 49 regulates that Deputies should only work according to explicit assignment. This prevents any form of hierarchy (Refer Vorster, An Introduction to Reformed Church Polity:88) and it contributes towards matters tabled at major assemblies be exclusively tabled from the churches (Refer CO, art 50.)</p>
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Die spesifieke opdrag van die 2015 Sinode aan die Kuratore (Acta 2015:303, "Die voorgestelde Prosedure word na die Kuratore verwys om, in ooreenstemming met die Kerkorde en Sinodebesluite, as riglyn aan die kerke deur te gee".) was om die verwysde prosedure van die 2015 beswaardes te oorweeg as riglyn aan die kerke.

Die Kuratore het hulle opdrag uitgevoer deur die verwysde prosedure te oorweeg en te besluit om dit nie aan die kerke as riglyn te gee nie, aangesien dit na hul oordeel op oorreglementering sou neerkom. (Acta 2018:955, 1.3.1 aangehaal in die besluit).

Volgens die opdrag is dit waarby hulle moes volstaan na gelang van KO, art 49.

Die Kuratore het egter verder en daaropvolgend die 2018 Sinode het egter buite die welomskrewe opdrag verder gegaan en op eie inisiatief nie net 'n riglyn nie, maar 'n prosedure daargestel. ('n "Riglyn" wys rigting aan in die oorweging en bepaling van 'n werkswyse, maar 'n "prosedure" bepaal 'n spesifieke werkswyse).

Die voorstel van 'n prosedure vir die kerke ingevolge KO, art 8 was buite die opdrag van die 2015 Algemene Sinode en daarom in stryd met KO, art 49. (Verwys na Par 3 van hierdie beswaar oor die vraag of die prosedure van toepassing is op die kerke of die Kuratore/TSP.)

Dit was ook buite die welomskrewe algemene opdrag aan die Kuratore.

Volgens die "TSP Kuratore Samestelling en Werksaamhede" dokument wat op 13/4/2018 van die Admin Buro verkry is, word die wese van die Kuratore soos volg omskryf (onderstreping bygevoeg): "Die Kuratorium is 'n vergadering van verkose en gevolmagtigde regeerders of versorgers van die Kerke ten opsigte van predikantsopleiding en wat regstreeks daarmee verband hou. Hierdie samekoms rus op die beginsel van 'n kombinasie van kerke wat vir die bepaalde en beperkte doel van opleiding van bedienaars van die Woord byeenkom. As sodanig funksioneer die Kuratorium as 'n

The specific assignment by the 2015 General Synod to the Curators (Acta 2015:303 "The proposed procedure is to be referred to the Curators, in accordance to the Church Order and Synod decisions, to circulate to the churches as guideline".) was to consider the referred procedure as a guideline to the churches.

The Curators executed their assignment by considering the referred procedure and concluded not to give it to the churches as guideline, as it would constitute over regulation. (Acta 2018:955, 1.3.1 quoted above in the decision). According to their assignment, this is where they should have stopped in accordance to CO, art 49.

However, the Curators and subsequently the 2018 Synod went further outside of the explicit assignment and on own initiative not only developed a guideline, but a procedure. (A "guideline" gives direction to lessor assemblies in their consideration and definition of a work method, but a "procedure" is setting a specific method of work.)

The proposal of a procedure for use by the churches regarding CO, art 8 was outside the 2015 Synod explicit assignment to the Curators and therefore in conflict with CO, art 49. (Refer par 3 of this objection on the question if the procedure is applicable to the churches or only the Curators/TSP.)

It was also outside the general assignment to the Curators.

According to the "TSP Curator Composition and Operation" (freely translated) document received from the Admin Buro on 13/7/2018, the essence of the Curators is described as follows (freely translated and underlining added): "The Kuratorium is a meeting of elected and authorized governors or caregivers of the Churches regarding ministerial training and directly related to it. This gathering rests on the principle of a combination of churches that meet for the specific and limited purpose of training ministers of the Word. As such, the Kuratorium functions as a synodus contracta and performs a particular church governance task with a view to

<p><i>synodus contracta en verrig dit 'n besondere kerkregeringstaak met die oog op die voorsiening vir, die sorg van en die toesig oor die diens van <u>predikantsopleiding.</u></i></p> <p>Verder word die werksaamhede van die Kuratorium beskryf as (onderstreping bygevoeg):</p> <p><i>“5.1 Die Kuratorium behartig die <u>belange van die Teologiese Skool (Nasionale Sinode 1942, Acta:123-124), en wel op so 'n wyse dat al sy handeling ooreenstem met Gods Woord, die Drie Formuliere van Eenheid, die Kerkorde en besluite van Nasionale/Algemene Sinodes van die GKSA wat op die Teologiese Skool van toepassing is.</u></i></p> <p><i>5.2 Die opdrag aan die Kuratorium behels wesenlik die <u>versorging van en die toesig oor die professore wat die diens van opleiding van die Teologiese Skool verrig, asook toesig oor die teologiese studente.”</u></i></p> <p>Punt 5.3 van die werkskrywing/opdrag handel verder meer breedvoerig oor verskeie werksaamhede wat almal direk in verband staan met die opleiding van predikante, die Teologiese Skool en die Universiteit.</p> <p>Om 'n prosedure voor te stel oor 'n saak wat nie met opleiding van predikante, of die Teologiese Skool of Teologiese professore te make het nie, was buite hierdie algemene opdrag en daarom in stryd met KO, art 49, aangesien KO, art 8 spesifiek betrekking het op persone wat <u>nie gestudeer het nie.</u></p> <p>4.5 <i>Beswaargrond 5: Besluit in stryd met KO, art 31</i></p> <p>Die 2018 Sinode besluit is in stryd met KO, art 31 want dit handhaaf nie die 2015 Sinode besluit as vas en bindend nie en sonder om die kerklike weg van beswaar teen die 2015 besluit te volg neem dit wesenlik weer dieselfde besluit wat reeds bevind is om in stryd te wees met die Kerkorde.</p> <p><u>Motivering</u></p> <p>KO, art 31 reël dat besluite van meerdere vergaderings <i>“as vas en bindend beskou moet word, tensy</i></p>	<p><i>providing, caring for and supervising <u>the service of ministerial training.</u>”</i></p> <p>The work of the Curatorium is described as (freely translated and underlining added):</p> <p><i>“5.1 The Curatorium deals with <u>the interests of the Theological School (National Synod 1942, Acta:123-124), in such a way that all its actions are in line with God's Word, the Three Forms of Unity, the Church Order and National/General Synod of the GKSA applicable to the Theological School.</u></i></p> <p><i>5.2 The instruction to the Curatorium essentially involves <u>the care and supervision of the professors who perform the service of training of the Theological School, as well as supervision of the theological students.</u>”</i></p> <p>Point 5.3 of the work description/assignment deals more completely with several operations all directly related to the training of ministers of the Word, the Theological School and the University.</p> <p>To propose a procedure on a matter that is not related to ministerial training, or the Theological School or the Professors in Theology, was outside their general assignment and therefore in conflict with CO, art 49, since CO, art 8 is specifically related to persons <u>that has not studied.</u></p> <p>4.5 <i>Ground of Objection 5: Decision in conflict with CO, art 31</i></p> <p>The 2015 General Synod decision is in conflict with CO, art 31 since it does not consider the 2015 Synod decision as “fixed and binding” and without following the churchly way of an objection to the 2015 decision it takes essentially the same decision that has already been found to be in conflict with the Church Order.</p> <p><u>Motivation</u></p> <p>CO, art 31 stipulates that decisions by major assemblies <i>“shall be considered fixed and binding, unless it is</i></p>
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<p><i>bewys word dat dit in stryd is met die Woord van God of die artikels van die Kerkorde.”</i></p> <p>Deur die 2015 beswaar in sy geheel te handhaaf omdat die ‘geslaagde’ beswaargrond die essensie van KO, art 8 raak, het die 2015 Sinode effektief beslis dat die 2012 Sinode besluit in stryd is met die Kerkorde.</p> <p>Indien enigeen daarvan sou verskil, of sou reken dat die besluit foutief was weens ‘n “klaarblyklike verwarring” wat deur ‘n sin in hakies veroorsaak is, dan is die kerklike weg volgens KO, art 31, om aan te toon dat die 2015 besluit in stryd is met die Woord of die artikels van die Kerkorde.</p> <p>Daar is egter geen beswaar aangeteken teen die 2015 Sinode besluit nie, daar is geen motivering aangevoer, oorweeg of besluit dat die 2015 besluit in stryd sou wees met die Woord of die KO nie. Derhalwe moet die 2015 besluit steeds as vas en bindend gereken word – dat die reëlings wat 2012 Sinode in verband KO, art 8 besluit het in stryd is met die Kerkorde.</p> <p>Dit is in stryd met KO art, 31 dat die 2018 Sinode, sonder dat daar eers bevind word dat die 2015 Sinode besluit in stryd sou wees met die Woord of Kerkorde, bloot weer dieselfde prosedure (op enkele redaksionele wysigings na) besluit wat reeds in stryd met die Kerkorde bevind is.</p> <p>4.6 <i>Beswaargrond 6: Besluit in stryd met KO, art 36</i></p> <p>Die 2018 Sinode besluit is in stryd met KO, art 36 want dit stel die seggenskap van die Algemene Sinode in hiërargiese konflik met dié van die Klassis oor ‘n saak wat in die KO spesifiek aan die Klassis opgedra word.</p> <p><u>Motivering</u></p> <p>KO, art 36 bevestig dat die onderskeie meerdere vergaderings een en dieselfde seggenskap het in die bediening van dieselfde gesag van Christus alleen. Elke vergadering pas hierdie selfde seggenskap toe op sake wat daar tuishoort.</p> <p>Die 2015 Sinode se handhawing van die beswaar in geheel teen die 2012 prosedure vir hantering van KO, art 8</p>	<p><i>subsequently proved that it conflicts with the Word of God or the Articles of the Church Order.”</i></p> <p>By upholding the 2015 objection in entirety since the “successful” ground of objection related to the essence of CO, art 8, the 2015 Synod effectively ruled that the 2012 Synod decision was in conflict with the Church Order.</p> <p>If anybody would differ from that, or would argue that the decision was incorrect as it was based on an “apparent confusion” caused by the sentence in brackets, then the church orderly way, in accordance to CO, art 31, would be to prove that the 2015 decision conflicts with the Word of God or the Church Order.</p> <p>There has however been no objection raised against the 2015 Synod decision, there was no motivation given, considered or decided that the 2015 decision would be in conflict with the Word or the Church Order. The 2015 Synod decision should therefore still be considered as fixed and binding – that the arrangements which the 2012 Synod decided regarding CO, art 8 is in conflict with the Church Order.</p> <p>It is in conflict with CO, art 31 that the 2018 Synod, without first concluding that the 2015 Synod’s decision was in conflict with the Word of God or the Church Order, again takes the same decision (with a few editorial changes) which has already been judged to be in conflict with the Church Order.</p> <p>4.6 <i>Ground of Objection 6: Decision in conflict with CO, art 36</i></p> <p>The 2018 General Synod decision is in conflict with CO, art 36 since it places the authority of the General Synod in hierarchical conflict with the authority of the Classis in matter which the Church Order specifically assigns to the Classis.</p> <p><u>Motivation</u></p> <p>CO, art 36 stipulates that the respective assemblies has one and the same authority in the ministry of the authority of Christ. Every assembly has the same authority regarding matters that belong there.</p> <p>The upholding of the objection as a whole by the 2015 Synod against the 2012 procedure in handling CO, art 8</p>
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<p>aansoeke, het daardie 2012 prosedure effektief in sy geheel opgehef. Op 27 Oktober 2015 (9 maande na die Sinode) het Klassis KwaZulu-Natal Suid, met KO, art 49 Deputate van Streeksinode Vrystaat KwaZulu-Natal, op 'n prosedure besluit om KO, art 8 aansoeke te hanteer – synde 'n saak wat by die Klassis tuishoort ingevolge KO, art 8; soos gehandhaaf deur 2015 Sinode. (Nota: Die Klassis besluit is ietwat gewysig op 6 September 2016.) Sonder enige meerdere oorweging van die Skrif of Kerkorde en sonder motivering teenoor die Klassis prosedure ingevolge KO art 8, besluit die 2018 Sinode op 'n ander prosedure oor dieselfde saak. In praktyk sou die kerke in Klassis KwaZulu-Natal Suid 'n keuse moet maak tussen handhawing van die Klassis besluit of van die Algemene Sinode besluit oor dieselfde saak. Dit bring die gesag van die Klassis in konflik met die gesag van die Algemene Sinode wat KO, art 36 in gedrang bring. Die bron van die dilemma is die 2018 Algemene Sinode besluit oor 'n saak wat volgens KO, art 8 by die Klassis tuishoort en nie by die Algemene Sinode nie.</p>	<p>applications, in effect nullified the procedure as a whole. On 27 October 2015 (9 months after the Synod) Classis KwaZulu-Natal South, with CO, art 49 Deputies from Regional Synod Vrystaat KwaZulu-Natal, decided on a procedure to manage CO, art 8 application – since it is a matter assigned to the Classis in accordance with CO, art 8; as confirmation by the 2015 Synod decision. (The Classis decision was slightly amended on 6 September 2016.) Without any consideration of the Word of God or the Church Order and without any motivation regarding the Classis procedure regarding CO, art 8, the 2018 General Synod decided upon a different procedure about the same matter. In practice the churches in Classis KwaZulu-Natal South would have to make a choice between the decision by the Classis and the decision by the General Synod on the same matter. This bring the authority of the Classis in conflict with the authority of the General Synod which is in conflict with CO, art 36. The source of this dilemma is the 2018 General Synod decision regarding a matter which, according to CO, art 8, should be handled by the Classis and not the General Synod.</p>
<p>5. Aanbevelings aan Algemene Sinode Daar word aanbeveel dat die 2023 Algemene Sinode besluit:</p> <p>5.1 om kennis te neem van paragrawe 1, 2 en 3</p> <p>5.2 om paragraaf 4 te oorweeg en die Beswaargrondte afsonderlik en daarna die beswaar in geheel te handhaaf</p> <p>5.3 om die besluit te bevestig dat die prosedure wat deur die 2015 beswaardes voorgestel is, nie as riglyn vir die kerke voorgelê word nie (elke betrokke vergadering, te wete die Klassis en Streeksinode) oorweeg sy eie werkswyse aan die hand van KO, art 30).</p>	<p>5. Recommendations to General Synod It is recommended that the 2023 General Synod decides:</p> <p>5.1 to take note of paragraphs 1, 2 and 3</p> <p>5.2 to consider paragraph 4 and to uphold each Ground for objection and thereafter the objection as a whole</p> <p>5.3 to confirm the decision that the procedure proposed by the 2015 objectors is not given to the churches as a guideline (each applicable meeting being the Classis and Regional Synod) considers its own procedure in accordance to CO, art 30).</p>

**F. RAPPORT KOMMISSIE BESWAARSKRIFTE 2
REPORT COMMISSION GRAVAMINA 2**

<p>1. Opdrag Om die Sinode te adviseer insake die Beswaarskrif van Klassis Kwazulu-Natal Suid teen die besluit van Algemene</p>	<p>1. Mandate To advise the Synod regarding the Gravamen of Classis Kwazulu-Natal South against the decision of General Synod</p>
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<p>Sinode 2018 rakende die prosedure ingevolge KO, art 8. Besluit: Kennis geneem.</p> <p>2. Werkwyse</p> <p>2.1 Die Kommissie het die Beswaarskrif, Beswaargronde en ter saaklike dokumente en besluite noukeurig nagegaan.</p> <p>2.2 Toeligtig rakende die kerkregtelike betekenis en implikasies van KO, art 8, is deur dr GJ Meijer en ds BC Smit gegee.</p> <p>2.3 Die Kommissie het ook toeligtig en getuienis aangehoor van ds AJ Burger.</p> <p>Besluit: Punte 2.1 tot 2.3 kennis geneem.</p> <p>3. Ter kennisname</p> <p>3.1 KO, art 8 bepaal dat die eksaminering van iemand wat nie gestudeer het nie en wat tot die bediening toegelaat wil word, deur die Klassis moet geskied, “as die Streeksinode dit goedvind.”</p> <p>3.2 Die “goedvind” van die Streeksinode geskied deur die Kuratore wat deur die verskillende Streeksinodes aangewys is en deur die Teologiese Skool wat onder toesig van die Kuratore hulle werk doen.</p> <p>3.3 Die Kuratore en Teologiese Skool moet ook namens die kerke toesien dat dieselfde norm en standaard geld vir die geskiktheid van alle persone wat tot die bediening toegelaat word, al geskied dit ook langs verskillende weë.</p> <p>3.4 Vir die doel stel die Teologiese Skool ‘n Prospektus saam, wat ook die prosedures vir art 8 aansoeke uiteensit. Die Prospektus dus spel die werkswyse in die verband uit.</p> <p>3.5 Die betrokkenheid van die Teologiese Skool by die ondersoek na die geskiktheid van die art 8 aansoeker is dus in lyn met artikel 8 en nie in stryd daarmee nie.</p> <p>3.6 Nadat die Streeksinode op hierdie wyse dit “goedgevind” het, volg die res van die prosedure soos deur die Kerkorde bepaal.</p> <p>3.7 Die Prospektus dien as deel van die Kuratore se verslag aan die Sinode, wat dan deur die Sinode beoordeel en goedgekeur word.</p> <p>3.8 In 2015 slaag ‘n beswaar teen ‘n gedeelte van die Prospektus wat oor die prosedure vir die art 8 aansoeke handel.</p>	<p>2018 regarding the procedure in terms of CO, art 8. Decision: Noted.</p> <p>2. Modus operandi</p> <p>2.1 The Commission carefully reviewed the Gravamen, grounds for objection and relevant documents and decisions.</p> <p>2.2 Clarification on the church polity meaning and implications of CO, art 8 was given by Dr GJ Meijer and Rev. BC Smit.</p> <p>2.3 The Commission also heard clarification and testimony from Rev. AJ Burger.</p> <p>Decision: Points 2.1 to 2.3 noted.</p> <p>3. Information to takes note of</p> <p>3.1 CO, art 8 provides that the examination of a person who has not studied and who wishes to be admitted to the ministry must be done by the Classis, “with the approval of the Regional Synod.”</p> <p>3.2 The “approval” of the Regional Synod is done by the Curators appointed by the various Regional Synods and by the Seminary who do their work under the supervision of the Curators.</p> <p>3.3 The Curators and Seminary must also ensure, on behalf of the churches, that the same norm and standards apply to the suitability of all persons admitted to the ministry, even if this is done along different paths.</p> <p>3.4 For this purpose, the Seminary compiles a Prospectus which also sets out the procedures for art 8 applications. The Prospectus thus spells out the modus operandi in that regard.</p> <p>3.5 The involvement of the Seminary in investigating the suitability of the art 8 applicant is therefore in line with art 8 and not contrary to it.</p> <p>3.6 After the Regional Synod has “approved” in this manner, the rest of the procedure as determined by the Church Order is followed.</p> <p>3.7 The Prospectus serves as part of the Curators' Report to the Synod, which is then assessed and approved by the Synod.</p> <p>3.8 In 2015, a Gravamen passed against a portion of the Prospectus dealing with the procedure for the art 8 applications. It was</p>
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<p>Daar word geoordeel dat die spesifieke bewoording die sentrum van eksaminering van die Klassis na die Teologiese Skool verskuif. Die Sinode het verder aan die Kuratore opgedra 'n moontlike riglyn vir die kerke te oorweeg.</p> <p>3.9 In 2018 dien daar weer 'n Kuratoreverslag by die Sinode waarin daar 'n gewysigde prosedure aan die kerke voorgelê word vir persone wat onder art 8 tot die bediening toegelaat wil word. Die Sinode keur die verslag van die Kuratore (en dus ook die Prospektus) goed.</p> <p>3.10 Dit is teen hierdie besluit wat Klassis Kwazulu-Natal Suid beswaar aanteken. Besluit: Punte 3.1 tot 3.10 kennis geneem.</p> <p>4. Opsomming van die beswaar</p> <p>4.1 Die beswaardes voer aan dat die gewysigde prosedure vir art 8 aansoeke wat in 2018 deur Sinode goedgekeur is, dieselfde prosedure is waarteen 'n beswaar in 2015 geslaag het ("met enkele redaksionele wysigings").</p> <p>4.2 Die beswaardes voer in 6 Beswaargrondte aan dat hierdie optrede in stryd is met onderskeidelik KO, artt 8, 30, 46, 49, 31 en 36. Besluit: Punte 4.1 en 4.2 kennis geneem.</p> <p>5. Beoordeling</p> <p>5.1 Die Kommissie oordeel dat die essensie van die beswaar neerkom op die vraag of die 2018 Prospektus in sy voorgestelde prosedure vir art 8 aansoeke in so 'n mate dieselfde bewoording as in 2015 bevat, dat die beswaar daarteen steeds geldig is.</p> <p>5.2 Na ondersoek en oorweging bevind die Kommissie dat die 2018 Prospektus se voorgestelde prosedure wel drie wysigings ten opsigte van die 2015-bewoording bevat:</p> <p>5.2.1 Die opskrif van die spesifieke afdeling van die Prospektus is verander van: "Eksaminering ingevolge KO, art 8" na: "Prosedure ingevolge KO, art 8".</p> <p>5.2.2 Die woorde: "Indien die Kerkraad oordeel dat die aansoek meriete het, word die KO, art 8 aansoek (deur die aansoeker met volledige motivering soos art 8 beskryf tesame met 'n</p>	<p>judged that the specific wording moves the centre of examination from the Classis to the Seminary. The Synod further assigned the Curators to consider a possible guideline for the churches.</p> <p>3.9 In 2018, a Curators Report was again submitted to the Synod in which an amended procedure was submitted to the churches for persons wishing to be admitted to the ministry under art 8. The Synod approved the Report of the Curators (and thus also the Prospektus).</p> <p>3.10 It is against this decision that Classis Kwazulu-Natal South objects. Decision: Points 3.1 to 3.10 noted.</p> <p>4. Summary of the objection</p> <p>4.1 The aggrieved argue that the amended procedure for art 8 applications as approved by Synod in 2018 is the same procedure against which a Gravamen passed in 2015 ("with some editorial amendments").</p> <p>4.2 The aggrieved argue in 6 Grounds for objection that these actions are contrary to respectively CO, arts 8, 30, 46, 49, 31 and 36. Decision: Points 4.1 and 4.2 noted.</p> <p>5. Assessment</p> <p>5.1 The Commission judges that the essence of the objection boils down to whether the 2018 Prospektus in its proposed procedure for art 8 applications contains the same wording as in 2015 to such an extent that the objection to it is still valid.</p> <p>5.2 After investigation and consideration, the Commission found that the 2018 Prospektus' proposed procedure does contain three amendments in respect of the 2015 wording:</p> <p>5.2.1 The heading of the specific section of the Prospektus has been changed from: "Examination in terms of CO, art 8" to: "Procedure in accordance with CO, art 8".</p> <p>5.2.2 The words: "If the Church Council judges that the application has merit, the CO, art 8 application (by the applicant with full motivation as described by art 8 together with a</p>
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<p>aanbeveling van die Kerkraad) by die TSP ingedien”, verander na: “Indien die Kerkraad oordeel dat die aansoek meriete het, word die KO, art 8 aansoek by die TSP ingedien”.</p> <p>5.2.3 Die daaropvolgende woorde: “(Dit sal verstandig wees indien die Kerkraad ook die advies van die Klassis mbt die KO, art 8 aansoek vra)”, word weggelaat.</p> <p>Besluit: Punte 5.1 tot 5.2.3 kennis geneem.</p> <p>6. Bevinding</p> <p>6.1 Dat die bewoording in die 2018 Prospektus nie dieselfde bewoording bevat as waarteen ’n beswaar in 2015 geslaag het nie. Die wysigings bestaan ook uit meer as “enkele redaksionele wysigings”, soos die Beswaarskrif dit stel (2023:408, pt 2).</p> <p>6.2 Dat die gemelde wysigings in die bewoording van die 2018 Prospektus die beswaar (dat die sentrum van eksaminering van die Klassis na die Teologiese Skool verskuif) genoegsaam aangespreek. Die betrokkenheid van die Teologiese Skool (as verlengstuk van die Streeksinode) is ’n noodsaaklike deel van die uitvoering van artikel 8 en vervang nie die eksaminering deur die Klassis of Streeksinode nie.</p> <p>6.3 Dat die beswaar van Klassis Kwazulu-Natal nie gehandhaaf word nie.</p> <p>6.4 Dat in die lig van die bevinding in 6.3 die Kommissie nie verder ingaan op die Beswaargronde nie.</p> <p>Besluit: Punte 6.1 tot 6.4 kennis geneem.</p> <p>7. Sake waarvoor die Sinode besluit <u>Aanbeveling</u> Die Beswaarskrif slaag in sy geheel nie.</p> <p>Besluit: Goedgekeur.</p>	<p>recommendation from the Church Council) is submitted to the TSP”, is changed to: "If the Church Council judges that the application has merit, the CO, art 8 application is submitted to the TSP".</p> <p>5.2.3 The subsequent words: "(It would be prudent if the Church Council also sought the advice of the Classis with regards to the CO, art 8 application)", are omitted.</p> <p>Decision: Points 5.1 to 5.2.3 noted.</p> <p>6. Finding</p> <p>6.1 That the wording in the 2018 Prospectus does not contain the same wording against which a gravamen in 2015 passed. The amendments also consist of more than "a few editorial edits," as the Gravamen puts it (2023:408, pt 2).</p> <p>6.2 That the mentioned amendments in the wording of the 2018 Prospectus adequately address the objection (that the centre of examination moves from the Classis to the Seminary). The involvement of the Seminary (as an extension of the Regional Synod) is an essential part of the execution of Article 8 and does not replace the examination by the Classis or Regional Synod.</p> <p>6.3 That the objection of Klassis Kwazulu-Natal not be upheld.</p> <p>6.4 That in view of the finding in 6.3 the Commission does not delve further into the grounds for objection.</p> <p>Decision: Points 6.1 to 6.4 noted.</p> <p>7. Matters that the Synod decides on <u>Recommendation</u> The Gravamen, in its entirety, does not succeed.</p> <p>Decision: Approved.</p>
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