

**11.7 RAPPORT 2 – APPÈLDEPUTATE : APPÈL TEEN ‘N BESLUIT VAN STREEKSINODE NOORDWES, NOVEMBER 2017 (Art 288)**

**11.7 REPORT 2 – APPEAL DEPUTIES – APPEAL AGAINST A DECISION OF REGIONAL SYNOD NORTH WEST, NOVEMBER 2017 (Art 288)**

- A. Die vergadering gaan *in camera*.  
The meeting is held *in camera*.
- B. Ds CA Jansen stel die Rapport.  
Rev CA Jansen tables the Report.
- C. Die Rapport word staande die Sinode afgehandel.  
The Report will be concluded during the Synod session.

**D. RAPPORT / REPORT**

<p><b>1. Opdrag</b> Handelinge 2015:6–10, 3.1. <b>Besluit: Kennis geneem.</b></p> <p><b>2. Konstituering van Appèldeputate en belangeverklaring</b></p> <p>2.1 Die volgende Appèldeputate was betrokke by die beoordeling van die Appèl (punt 7.1 van Appèlprosedure): Dr GJ Meijer (voorsitter), ds CA Jansen (skriba), drr JH Howell, RM van der Merwe, DJ de Kock, di PW Kurpershoek (sekundus) en AL Pelser (sekundus).</p> <p>2.2 Prof J Smit het advies gegee.</p> <p>2.3 Belangeverklaring</p> <p>2.3.1 Dr RM van der Merwe was nie vooraf betrokke in die materie van die saak nie, maar het slegs advies mbt die prosedure te gee.</p> <p>2.3.2 Dr JH Howell het advies aan een van die predikante van Klassis Griekwaland-Wes gegee mbt die hantering van ‘n Appèlsaak.</p> <p><b>Besluit: Punte 2.1 tot 2.3.2 kennis geneem.</b></p> <p><b>3. Ontvanklikheid</b> (pt 7.2 van Appèlprosedure)</p> <p>3.1 Kennisgewing van Appèl is binne ses weke aan beide die Streeksinode Noordwes asook die Algemene Sinode gegee.</p> <p>3.2 Die besluit waarteen geappelleer word, is uit die aangehegte offisiële redaksie korrek aangehaal. Die partye in die geding is tevrede dat die dokument wat voorsien is, die korrekte dokument is.</p>	<p><b>1. Assignment</b> Acta 2015:6–10, 3.1. <b>Decision: Noted.</b></p> <p><b>2. Constituting of Appeal deputies and statement of interests</b></p> <p>2.1 The following Deputies were involved in the assessment of the appeal (point 7.1 of Procedure for Appeal): Dr GJ Meijer (chairperson), Rev CA Jansen (scribe), drr JH Howell, RM van der Merwe, DJ de Kock, Revs PW Kurpershoek (sec) and AL Pelser (sec).</p> <p>2.2 Prof J Smit advised.</p> <p>2.3 Statement of interests</p> <p>2.3.1 Dr RM van der Merwe was not previously involved in the material of the matter, but only gave advice with regards to the procedure.</p> <p>2.3.2 Dr JH Howell gave advice to one of the reverends of Classis Griekwaland West with regards to the handling of an Appeal.</p> <p><b>Decision: Points 2.1 to 2.3.2 noted.</b></p> <p><b>3. Receptivity</b> (pt 7.2 of Procedure of Appeal)</p> <p>3.1 Notification of Appeal was given to both the Regional Synod North West, as well as the General Synod, within six weeks.</p> <p>3.2 The decision against which there is being appealed has been quoted correctly from the attached official edition. The parties involved in the matter are satisfied that the document that has been provided is the correct document.</p>
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<p>3.3 Die Appèl toon gronde vir Appèl aan in terme van KO, art 31.</p>	<p>3.3 The Appeal shows grounds for appeal in terms of CO, art 31.</p>
<p><b>Besluit: Punte 3.1 tot 3.3 kennis geneem.</b></p>	<p><b>Decision: Points 3.1 to 3.3 noted.</b></p>
<p>3.4 <u>Aanbeveling</u>: dat die Appèl ontvanklik is.</p>	<p>3.4 <u>Recommendation</u>: that the Appeal is found to be receptive.</p>
<p><b>Besluit: Goedgekeur.</b></p>	<p><b>Decision: Approved.</b></p>
<p><b>4. Kort historiese oorsig</b> (pt 7.6.1 van die Appèlprosedure)</p>	<p><b>4. Short historic overview</b> (pt 7.6.1 of the Procedure for Appeal)</p>
<p>4.1 Br J Aucamp is op 22 Oktober 2011 uit die amp van bedienaar van die Woord in GK Kuruman afgesit (KO, artt 79 &amp; 80) op grond van oortreding van die Sewende gebod.</p>	<p>4.1 On 22 October 2011 Br J Aucamp was deposed from the office of minister of the Word in the GK Kuruman (CO, arts 79 &amp; 80) on the grounds of transgression of the Seventh commandment.</p>
<p>4.2 Tot en met 2014 was hy lidmaat van GK Kuruman. Tot en met Junie 2016 was hy lidmaat van verskillende gemeentes en tans is hy lidmaat van GK Odendaalsrus.</p>	<p>4.2 Up until 2014 he was a member of the GK Kuruman. Until June 2016 he was a member of various congregations, and he is currently a member of the GK Odendaalsrus.</p>
<p>4.3 Gedurende 2017 het hy dienswerk in GK Bothaville en GK Orkney gedoen (leesdienste, pastorale besoeke).</p>	<p>4.3 During 2017 he served in GK Bothaville and GK Orkney (reading services, pastoral visitations).</p>
<p>4.4 Gedurende 22 November 2016 het hy by die Kerkraad van GK Kuruman aansoek gedoen om volgens KO, art 4 toegelaat te word tot die diens van die Woord.</p>	<p>4.4 During 22 November 2016, he applied to the Church Council of GK Kuruman to be allowed to minister the Word, in accordance to CO, art 4.</p>
<p>4.5 Die Kerkraad moes volgens 'n besluit van die Algemene Sinode 2012 (Handelinge 2012:271) 'n positiewe aanbeveling maak wat die aansoek sal ondersteun.</p>	<p>4.5 The Church Council had to make a recommendation that would support the application in accordance to a decision of General Synod 2012 (Acta 2012:271).</p>
<p>4.6 Die Kerkraad van GK Kuruman het 'n Kommissie aangewys en 'n bepaalde werkswyse gevolg waarvolgens 'n aanbeveling gemaak is. In sekere punte het die Kerkraad eenstemmigheid in hulle bevinding en in ander punte is daar met groter of kleiner meerderheid tot die bevindings gekom.</p>	<p>4.6 The Church Council of GK Kuruman appointed a Commission and followed a certain approach after which a recommendation was made. On certain points the Church Council was unanimous and on other points they reached decisions with either a greater or lesser majority.</p>
<p>4.7 Die aansoeker het ook getuienis van GK Strand, GK Bothaville en GK Odendaalsrus ingedien ter ondersteuning van sy aansoek.</p>	<p>4.7 The applicant also handed in testimonies from GK Strand, GK Bothaville and GK Odendaalsrus to support his application.</p>
<p>4.8 Klassis Griekwaland-Wes het op 12 September 2017 besluit om die getuienis en aanbeveling van GK Kuruman goed te keur dat Br Aucamp hom by Streeksinode Noordwes kan aanmeld vir toelating en eksaminering.</p>	<p>4.8 Classis Griekwaland West decided on 12 September 2017 to approve the testimonies and recommendations of GK Kuruman that Br Aucamp could report to Regional Synod North West for admission and examination.</p>
<p>4.9 Streeksinode Noordwes het tydens sy vergadering in November 2017 die aansoek nie goedgekeur nie en dus nie die aansoeker volgens KO, art 4</p>	<p>4.9 Regional Synod North West did not approve the application during the meeting in November 2017 and thus did not examine the applicant in accor-</p>

<p>verder geëksamineer nie.</p> <p><b>Besluit: Punte 4.1 tot 4.9 kennis geneem.</b></p> <p><b>5. Procedure</b> (pt 7.5.1–7.5.2 van die Appèlprosedure)</p> <p>5.1 Die appelland, br J Aucamp, het op 08 Januarie 2018 voor die Deputate die geleentheid gehad om die Appèl te stel. Die appelland se saak is deur sy “mond”, br Abri du Plessis, gestel.</p> <p>5.2 Die toeligers van die Streeksinode, ds JP van der Walt en dr G van Wyk, het op dieselfde vergadering geleentheid gehad om die besluit van Streeksinode Noordwes te verduidelik en te motiveer.</p> <p>5.3 Getuienis van sowel die appelland as die toeligers is in mekaar se teenwoordigheid aangehoor.</p> <p>5.4 Die getuienis, soos in die dokumentebundel (met Appèlskrif, Bylaes A–D, getuienis GK Bothaville, GK Strand en Kommissierapport GK Kuruman) vervat, is deur die Appèldeputate ondersoek.</p> <p>5.5 As deel van die ondersoek na die saak is beide die appellante en toeligers deur die Deputate ondervra.</p> <p>5.5.1 <u>Appèlgrond 1 – aanbevelingsbrief GK Kuruman</u></p> <p>5.5.1.1 <u>Appelland</u>: Die appelland is van mening dat hy verontreg is deurdat die Streeksinode nie die aanbevelingsbrief en skriftelike Kommissierapport voor oë gehad het nie.</p> <p>5.5.1.2 <u>Toeligers</u>: Die Kommissie van die Streeksinode Noordwes se verslag is nie skriftelik aan elke lid van die Sinode voorsien nie, maar mondelings gelewer. Die toeligers meen dat die mondelinge toeligting voldoende was, soos blyk uit die 8 vrae en bespreking wat uit die Kommissie se Rapport gevolg het.</p> <p>5.5.2 <u>Appèlgrond 2 – audi alteram partem reël (hoor die ander kant van die saak)</u></p> <p>5.5.2.1 <u>Appelland</u>: Die appelland is van mening dat hy in sy aansoek ook deur die Kommissie aangehoor moes word. Die vraag is of die <i>audi alteram partem</i> reël van toepassing is in ‘n aansoek tot beroepbaarsstelling. Die appelland is van mening</p>	<p>dance to CO, art 4.</p> <p><b>Decision: Points 4.1 to 4.9 noted.</b></p> <p><b>5. Procedure</b> (pt 7.5.1–7.5.2 of the Procedure for Appeal)</p> <p>5.1 The appellant, br J Aucamp, had the opportunity to state his Appeal before the Deputies on 08 January 2018. The appellant’s case was stated by his spokesman, br Abri du Plessis.</p> <p>5.2 The elucidators of the Regional Synod, Rev JP van der Walt and dr G van Wyk, had an opportunity at the same meeting to explain and motivate the decision of Regional Synod North West.</p> <p>5.3 Testimonies of both the appellant and the elucidators were heard in one another’s presence.</p> <p>5.4 The testimonies, as found in the documents, (with Appeal, Addendum A-D, testimonies of GK Bothaville, GK Strand and Commission report GK Kuruman) was investigated by the Appeal deputies.</p> <p>5.5 As part of the investigation into the matter both the appellants and the elucidators were questioned by the Deputies.</p> <p>5.5.1 <u>Basis for Appeal 1 – letter of recommendation GK Kuruman</u></p> <p>5.5.1.1 <u>Appellant</u>: The appellant is of the opinion that he was wronged by the Regional Synod for not having the letter of recommendation and written Commission report in front of them.</p> <p>5.5.1.2 <u>Elucidators</u>: A written copy of the Commission of the Regional Synod North West’s Report was not provided to each delegate of the Synod, but delivered orally. The elucidators are of opinion that the oral elucidation was sufficient, as seen from the 8 questions and discussions that followed from the Commission’s report.</p> <p>5.5.2 <u>Basis for Appeal 2 – audi alteram partem rule (hear the other party in the case)</u></p> <p>5.5.2.1 <u>Appellant</u>: The appellant is of the opinion that in his application he also had to be heard by the Commission. The question is whether the <i>audi alteram partem</i> rule is applicable in an application for admission. The appellant is of the opinion that it is.</p>
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<p>dat dit wel so is.</p>	
<p>5.5.2.2 <u>Toeligtters</u>: Die toeligtters is van mening dat die dokumente genoegsame inligting voorsien om 'n aanbeveling aan die Streeksinode te kon maak.</p>	<p>5.5.2.2 <u>Elucidators</u>: The elucidators feel that the documents provided enough information to make a recommendation to the Regional Synod.</p>
<p>5.5.3 <u>Appèlgrond 3 – versoening</u></p>	<p>5.5.3 <u>Basis for Appeal 3 – reconciliation</u></p>
<p>5.5.3.1 <u>Appellant</u>: Die appellant is van mening dat die aanbevelingsbrief van GK Kuruman genoegsame versoening aantoon. Die Kommissie se “versuim” om Ds Reinecke in te roep om oor “versoening” getuienis te gee, word gesien as ‘n regsgrond vir Appèl.</p>	<p>5.5.3.1 <u>Appellant</u>: The appellant is of the opinion that the letter of recommendation from van GK Kuruman indicates satisfactory reconciliation. The Commission’s “failure” to call upon Rev Reinecke to give testimony on “reconciliation” is seen as legal grounds for Appeal.</p>
<p>5.5.3.2 <u>Toeligtters</u>: Die toeligtters van Streeksinode Noordwes meen dat die getuienis wat GK Kuruman gegee het (wat die Kerkraad telkens per stemming aangetoon het) self aantoon dat die versoening nie voldoende was nie. Die toeligtters meen dat voldoende versoening met die appellant se voormalige eggenote, kinders en GK Kuruman moes plaasvind.</p>	<p>5.5.3.2 <u>Elucidators</u>: The elucidators of Regional Synod North West claims that the testimony provided by GK Kuruman (which the Church Council repeatedly showed by voting) indicated, in itself, that the reconciliation was insufficient. The elucidators claim that sufficient reconciliation with the appellant’s former spouse, children and the GK Kuruman had to take place.</p>
<p>5.5.4 <u>Appèlgrond 4 – met vrug en tot eer dien</u></p>	<p>5.5.4 <u>Basis for Appeal 4 – to serve fruitfully and honourable</u></p>
<p>5.5.4.1 <u>Appellant</u>: Die appellant is van mening dat die aanbeveling van GK Kuruman ‘n innerlike teenstrydigheid bevat. GK Kuruman oordeel dat die appellant met vrug kan dien sonder om noodwendig met eer te kan werk. Die appellant is van mening dat die Streeksinode se Kommissie selektief werksaam was met hulle hantering van GK Kuruman se getuienis deur een aanbeveling uit die getuienis te aanvaar en die ander een te ignoreer.</p>	<p>5.5.4.1 <u>Appellant</u>: The appellant is of opinion that the recommendation of GK Kuruman contains an internal contradiction. The GK Kuruman is of opinion that the appellant can serve fruitfully without necessarily working honourably. The appellant is of opinion that the Regional Synod’s commission worked selectively in handling the GK Kuruman’s testimony by accepting one recommendation from the testimony and ignoring the other.</p>
<p>5.5.4.2 <u>Toeligtters</u>: Die toeligtters van die Streeksinode is van mening dat die innerlike teenstrydigheid die rede is waarom die aansoek nie kan slaag nie.</p>	<p>5.5.4.2 <u>Elucidators</u>: The elucidators of the Regional Synod is of the opinion that the internal contradiction is the reason why the application cannot be successful.</p>
<p>5.5.5 <u>Appèlgrond 5 – aanhaling uit bron</u></p>	<p>5.5.5 <u>Basis for Appeal 5 – quote from source</u></p>
<p>5.5.5.1 <u>Appellant</u>: Die appellant is van mening dat die gedeeltelike aanhaling van ‘n kerkregtelike bron aanleiding gegee het tot die bevinding van die Streeksinode se Kommissie. Volgens die appellant het regs-krenking plaasgevind omdat die</p>	<p>5.5.5.1 <u>Appellant</u>: The appellant is of opinion that the partial quotation from a church polity source led to the finding of the Regional Synod’s commission. According to the appellant an injustice took place because the Commission of the Regional Synod</p>

<p>Kommissie van die Streeksinode die skrywer van die bron sou laat buikspreek.</p> <p>5.5.5.2 <u>Toeligers</u>: Volgens die toeligers word die bron geheel in sy konteks aangehaal.</p> <p><b>Besluit: Punte 5.1 tot 5.5.5.2 kennis geneem.</b></p> <p><b>6. Bepaling van punte van geskil</b> (pt 7.5.3 van die Appèlprosedure)</p> <p>6.1 Die Appèldeputate het <i>in camera</i> vergader om die punte van geskil te bepaal. Die volgende is geformuleer as punte van geskil:</p> <p>6.1.1 <u>Appèlgrond 1</u> Die Streeksinode het die appellante se reg gekrenk omdat:</p> <p>6.1.1.1 Die verslag van die Kommissie preadvies van die Streeksinode slegs mondeling aangehoor is. Omdat die verslag nie ook skriftelik beskikbaar was nie, kon die Streeksinode in geheel hom nie genoegsaam van die inhoud van die saak vergewis voordat hulle tot 'n besluit gekom het nie.</p> <p>6.1.1.2 Die Kommissie in hulle verdere hantering verkeerd gehandel het. Appèlgronde 2–5 spel dit verder uit.</p> <p>6.1.1.3 Die volle Streeksinode nie die aanbevelingsbrief van GK Kuruman ter insae gehad het nie en dus nie met die inhoud daarvan vertrou was nie.</p> <p>6.1.2 <u>Appèlgrond 2</u> Die reg van die appellante is gekrenk omdat die <i>audi alteram partem</i> reël nie toegepas is nie. Die appellante is nie deur die Kommissie aangehoor en/of ondervra nie.</p> <p>6.1.3 <u>Appèlgrond 3</u> Die reg van die appellante is gekrenk aangesien die Kommissie (op grond van hulle bevinding dat daar nie voldoende versoening was met die betrokke partye nie) aanbeveel dat die toelating tot die Woorddiens nie goedgekeur word nie. Dit is nie duidelik wat “voldoende versoening” is nie. Die Kommissie het boonop versuim om Ds Reinecke (die predikant van GK Kuruman) vir toelating oor die versoeningsproses</p>	<p>led the source to say what was not written.</p> <p>5.5.5.2 <u>Elucidator</u>: According to the elucidators the entire source was quoted in its context.</p> <p><b>Decision: Points 5.1 to 5.5.5.2 noted.</b></p> <p><b>6. Determining points of dispute</b> (pt 7.5.3 of the Procedure for Appeal)</p> <p>6.1 The Appeal deputies met <i>in camera</i> to determine the points of dispute. The following was formulated as points of dispute:</p> <p>6.1.1 <u>Basis for Appeal 1</u> The Regional Synod did the appellant an injustice because:</p> <p>6.1.1.1 The Report of the Commission preadvices of the Regional Synod was only heard orally. Because the Report was not available in written form, the Regional Synod as a whole could not sufficiently inform itself of the content before they came to a decision.</p> <p>6.1.1.2 The Commission acted wrongfully in the manner in which they further handled it. Basis for Appeal spells it out further.</p> <p>6.1.1.3 The entire Regional Synod did not have insight into the letter of recommendation of GK Kuruman and thus was not familiar with the content thereof.</p> <p>6.1.2 <u>Basis for Appeal 2</u> The appellant was done an injustice because the <i>audi alteram partem</i> rule was not applied. The appellant was not heard and/or questioned by the Commission.</p> <p>6.1.3 <u>Basis for Appeal 3</u> The appellant was done an injustice because the Commission (based upon their finding that there was not sufficient reconciliation amongst all parties) recommended that the application to the office of the Word not be approved. It is not clear what “sufficient reconciliation” is. The Commission also failed to call upon Rev Reinecke (the reverend of the GK Kuruman) for information on the reconciliation process.</p>
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<p>te nader.</p> <p>6.1.4 <u>Appèlgrond 4</u> Die appellant se reg is gekrenk omdat die Kommissie uit die getuienis van GK Kuruman selektief aanhaal en op grond van hulle selektiewe aanhalings tot 'n ander bevinding as GK Kuruman en Klassis Griekwaland-Wes kom.</p> <p>6.1.5 <u>Appèlgrond 5</u> Die appellant se reg is gekrenk omdat die Kommissie in hulle Rapport 'n aanhaling uit 'n boek van (wyle) prof GPL van der Linde as motivering vir hulle bevinding aanbied, sonder om die konteks van die aangehaalde woorde in ag te neem.</p> <p>6.2 Die appellante en toeligers van die Streeksinode stem in dat die Appèldeputate die geskilpunte reg verwoord het.</p> <p><b>Besluit: Punte 6.1 tot 6.2 kennis geneem.</b></p> <p><b>7. Verdere proses</b> (pt 7.5.4–7.5.12 van die Appèlprosedure)</p> <p>7.1 Die Appèldeputate het die appellant en toeligers weer op 12 Januarie 2018 ontmoet om verdere getuienis aan te hoor om te bepaal of en hoe regs-krenking plaasgevind het. Die predikant van GK Kuruman, ds Hennie Reinecke, se getuienis bevestig die getuienis van die aanbevelingsbrief van GK Kuruman.</p> <p>7.2 Die Appèldeputate het die appellant en toeligers verdere vrae gevra om duidelikheid oor die saak te kry.</p> <p><b>Besluit: Punte 7.1 en 7.2 kennis geneem.</b></p> <p><b>8. Beoordeling van Appèlgronde en voorlopige bevinding</b> (pt 7.5.13 van Appèlprosedure) (Nota: Die Appèlgronde is nie korrek genommer nie en met goedkeuring van die appellant verander na Appèlgronde 1–5)</p> <p>8.1 <i>Ter inleiding</i></p> <p>8.1.1 In die aansoekproses handel die Kerkraad die ondersoek af en maak 'n aanbeveling. Die Klassis en Streeksinode kan nie die ondersoek wat by die Kerkraad hoort, herhaal nie. Die Streeksinode moet die aansoek wat voor hulle dien, hanteer</p>	<p>6.1.4 <u>Basis for Appeal 4</u> The appellant was done an injustice because the Commission selectively quoted from the testimony of GK Kuruman and due to the selective quotations came to a different finding than GK Kuruman and Classis Griekwaland West.</p> <p>6.1.5 <u>Basis for Appeal 5</u> The appellant was done an injustice because in the Report of the Commission they used a quote from a book of (late) prof GPL van der Linde as motivation for their finding, without considering the context of said words.</p> <p>6.2 The appellants and elucidators of the Regional Synod agrees that the points of dispute have been correctly stated by the Appeal deputies.</p> <p><b>Decision: Points 6.1 to 6.2 noted.</b></p> <p><b>7. Further process</b> (pt 7.5.4–7.5.12 of the Procedure for Appeal)</p> <p>7.1 The Appeal deputies again met with the appellant and elucidators on 12 January 2018 to hear further testimonies and to determine if and how an injustice took place. The testimony of the reverend of GK Kuruman, Rev Hennie Reinecke, confirmed the testimony of the letter of recommendation of GK Kuruman.</p> <p>7.2 The Appeal deputies further questioned the appellant and elucidators in order to gain clarity into the matter.</p> <p><b>Decision: Points 7.1 and 7.2 noted.</b></p> <p><b>8. Evaluation of basis for Appeal and preliminary findings</b> (pt 7.5.13 of Procedure for Appeal) (Note: The basis for Appeal is not numbered correctly and with the approval of the appellant has been changed to basis of Appeal 1–5)</p> <p>8.1 <i>Introduction</i></p> <p>8.1.1 In the application process the Church Council concluded the investigation and makes a recommendation. The Classis and Regional Synod cannot repeat the investigation that belongs at the Church Council. The Regional Synod must handle the application in</p>
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<p>op grond van getuienis wat voor hulle dien.</p> <p>8.1.2 Die Kommissie se mandaat was om die stukke wat voor hulle gedien het, na te gaan en 'n aanbeveling aan die Streeksinode te maak of die eksaminering moet voortgaan.</p> <p>8.1.3 Die vraag in enige aansoek tot toelating tot Woorddiens – nadat iemand afgesit is – of dit bo alles tot eer van God en tot heil van die kerk sal dien. Die Appèl fokus egter op die persoon (appellant) wat toegelaat wil word.</p>	<p>front of them based on the testimonies provided to them.</p> <p>8.1.2 The Commission's mandate was to go through the documents provided to them and to make a recommendation to the Regional Synod on whether examination should continue.</p> <p>8.1.3 The question in any application to admission to the office of the Word – after someone has been deposed – if it above all else serves to the honour of God and the salvation of the church. The Appeal however focuses on the person (appellant) who wants to be admitted.</p>
<p>8.2 <i>Appèlgrond 1</i></p> <p>8.2.1 <u>Beredenering</u>: In die Appèlgrond word eintlik 3 sake genoem.</p> <p>8.2.1.1 Die eerste sin handel daarvoor dat die Rapport van die Kommissie van die Streeksinode nie skriftelik aan die hele vergadering beskikbaar gestel was toe die Kommissie gerapporteer het nie. Geen regs-krenking word aangetoon en/of bewys nie bloot omdat 'n Rapport wat mondelings voorgehou is, aanvaar is.</p> <p>8.2.1.2 Die tweede sin word in die ander Appèlgronde verder uitgewerk.</p> <p>8.2.1.3 Die derde sin: die aanbevelingsbrief van GK Kuruman was nie beskikbaar gestel aan die hele Streeksinode nie. Die feit dat die aanbevelingsbrief nie aan die Sinode voorgehou is nie, bewys nie regs-krenking nie. <u>Motivering</u>: die Kommissie kry 'n mandaat om 'n aanbeveling aan die Sinode te maak, en dit beteken dat die Kommissie al die tersaaklike dokumente wat ontvang is, met verantwoording sal hanteer en daarvoor sal rapporteer.</p>	<p>8.2 <i>Basis of Appeal 1</i></p> <p>8.2.1 <u>Argument</u>: In the basis for Appeal 3 matters are actually mentioned.</p> <p>8.2.1.1 The first sentence mentions that the Report of the Commission was not made available in writing to the entire meeting when the Commission reported on it. No injustice is indicated and/or proven by the acceptance of a Report that was presented orally.</p> <p>8.2.1.2 The second sentence is addressed further in the other basis for Appeal.</p> <p>8.2.1.3 The third sentence: the letter of recommendation of GK Kuruman was not made available to the entire Regional Synod. The fact that the letter of recommendation was not presented to the entire Synod does not prove an injustice. <u>Motivation</u>: the Commission receives the mandate to make a recommendation to the Synod, and that means that the Commission will handle all the relevant documents responsibly and report upon them.</p>
<p>8.2.2 <u>Bevinding</u>: Appèlgrond 1 slaag nie.</p>	<p>8.2.2 <u>Finding</u>: Basis for Appeal 1 does not succeed.</p>
<p>8.3 <i>Appèlgrond 2</i></p> <p>8.3.1 <u>Beredenering</u>: Die saak wat by die Streeksinode gedien het, is 'n aansoek tot toelating tot die Woorddiens na afsetting (KO, art 4 in samehang met KO, artt 79 &amp; 80). 'n Aansoek behoort soos volg hanteer te word: daar</p>	<p>8.3 <i>Basis for Appeal 2</i></p> <p>8.3.1 <u>Argument</u>: The matter that served before the Regional Synod is an application to admission to the office of the Word after being deposed (CO, art 4 together with CO, arts 79 &amp; 80). An application should be handled as</p>

<p>moet 'n positiewe aanbeveling van die Kerkraad waar die aansoeker uit die amp afgesit is, wees, asook positiewe getuienis van die Klassis en getuigskrif van die plaaslike kerk waar die aansoeker tans lidmaat is. Hierdie getuienis moet beoordeel word om tot 'n bevinding te kan kom. Hierdie beoordeling van die getuienis is nie 'n soeke na reg of regspraak nie met die gevolg dat die <i>audi alteram partem</i> reël nie van toepassing is nie. Regskrenking word nie bewys nie.</p> <p>8.3.2 <u>Bevinding</u>: Appèlgrond 2 slaag nie.</p> <p>8.4 <i>Appèlgrond 3</i></p> <p>8.4.1 <u>Beredenering</u>: In die Appèlgrond is daar 'n teenstrydigheid. Die Kommissie verwys in sy Rapport na versoening met al die betrokke partye. Die Appèlgrond beperk versoening tot die verhouding tussen die appelland en sy voormalige eggenote. In voorgehoue getuienis word melding gemaak van die verskillende partye: appelland, sy voormalige eggenote, sy kinders, die gemeente en die gemeenskap. Die appelland beredeneer of bewys nie dat die Streeksinode se bevinding en besluit tov voldoende versoening ongeldig is nie. Regskrenking word nie bewys nie.</p> <p>8.4.2 <u>Bevinding</u>: Appèlgrond 3 slaag nie.</p> <p>8.5 <i>Appèlgrond 4</i></p> <p>8.5.1 <u>Beredenering</u>: Die appelland beweert dat die Streeksinode gefouteer het in die selektiewe hantering van GK Kuruman se aanbevelings. Die verslag in die aanbevelingsbrief van GK Kuruman bevat 'n inherente teenstrydigheid. Omdat die eer van God voorop staan, moet enige aansoeker tot die Woorddiens in enige gemeente met vrug en tot eer van God kan arbei. Indien die aansoeker nie met eer en vrug in GK Kuruman kan dien nie, kan hy ook in geen ander gemeente in die GKSA met eer en vrug dien nie. Regskrenking word nie bewys nie.</p>	<p>follow: there must be a positive recommendation from the Church Council where the applicant was deposed from office, also positive testimony from the Classis and testimonial from the local church where the applicant is currently a member. These testimonies must be evaluated in order to come to a decision. This evaluation of testimonies is not a search for justice and restitution with the result being that the <i>audi alteram partem</i> rule is not applicable. Injustice is not proven.</p> <p>8.3.2 <u>Finding</u>: Basis for Appeal 2 does not succeed.</p> <p>8.4 <i>Basis for Appeal 3</i></p> <p>8.4.1 <u>Argument</u>: There is a contradiction in the basis for Appeal. The Commission refers to reconciliation with all involved parties in its Report. The basis for Appeal limits reconciliation to the relationship between the appellant and his former spouse. In presented testimonies mention is made of various parties: appellant, his former spouse, his children, the congregation and the community. The appellant does not argue or prove that the Regional Synod's findings and decisions in terms of reconciliation is invalid. Injustice is not proven.</p> <p>8.4.2 <u>Finding</u>: Basis for Appeal 3 does not succeed.</p> <p>8.5 <i>Basis for Appeal 4</i></p> <p>8.5.1 <u>Argument</u>: The appellant claims that the Regional Synod made an error in the selective handling of GK Kuruman's recommendations. The Report in the letter of recommendation of GK Kuruman contains inherent contradictions. Because the honour of God is most important, any applicant to the office of the Word must be able to labour fruitfully in any congregation and to the honour of God. If the applicant cannot serve fruitfully and honourable in GK Kuruman, then he cannot serve fruitfully and honourable in any other congregation in the GKSA. Injustice is not proven.</p>
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<p>8.5.2 <u>Bevinding</u>: Appèlgrond 4 slaag nie.</p>	<p>8.5.2 <u>Finding</u>: Basis for Appeal 4 does not succeed.</p>
<p>8.6 <i>Appèlgrond 5</i></p>	<p>8.6 <i>Basis for Appeal 5</i></p>
<p>8.6.1 <u>Beredenering</u>: Die appellant beweer dat die gedeeltelike aanhaling van Van der Linde regs krenkend sou wees. GPL van der Linde haal in sy werk H Bouwman aan, wat spesifiek verwys na skandelige sondes, waaroor met groot omsigtigheid gehandel moet word wanneer iemand ooreenkomstig KO, art 4 tot die Woorddiens toegelaat wil word, nadat hy uit die diens afgesit is (KO, artt 79 &amp; 80). Hierin word die Sewende gebod as 'n voorbeeld genoem. Die appellant beredeneer en bewys nie dat en hoe 'n gedeeltelike aanhaling van 'n bron tot regs krenking lei nie.</p>	<p>8.6.1 <u>Argument</u>: The appellant claims that the partial quotation of Van der Linde would be unjust. GPL van der Linde quotes H Bouwman in his work, that specifically refers to gross sins where special care must be taken when someone is to be allowed to the office of the Word, CO, art 4 after he has previously been deposed from office (CO, arts 79 &amp; 80). Herein the seventh commandment is given as example. The appellant does not argue or prove that and fails to show how a partial quotation of a source could lead to injustice.</p>
<p>8.6.2 <u>Bevinding</u>: Appèlgrond 5 slaag nie.</p>	<p>8.6.2 <u>Finding</u>: Basis for Appeal 5 does not succeed.</p>
<p>8.7 <i>Voorlopige bevinding</i> Die Appèl slaag nie.</p>	<p>8.7 <i>Preliminary finding</i> The Appeal does not succeed.</p>
<p><b>Besluit: Punte 8.1 tot 8.7 kennis geneem.</b></p>	<p><b>Decision: Points 8.1 to 8.7 noted.</b></p>
<p><b>9. Geleentheid tot repliek</b> (pt 7.5.14 van Appèlprosedure) Aan beide die appellant en toeligtters is geleentheid gegee tot repliek. Beide appellant en toeligtters wou nie repliek lewer nie.</p>	<p><b>9. Opportunity to reply</b> (pt 7.5.14 of Procedure for Appeal) The opportunity is given to both the appellant and elucidators to reply on the preliminary findings. Notice is given by both the appellant and elucidators not to utilise this opportunity.</p>
<p><b>Besluit: Kennis geneem.</b></p>	<p><b>Decision: Noted.</b></p>
<p><b>10. Finale bevinding</b> (pt 7.6.5 en pt 7.6.6 van die Appèlprosedure) Die Appèl slaag nie.</p>	<p><b>10. Final finding</b> (pt 7.6.5 and pt 7.6.6 of the Procedure for Appeal) The Appeal does not succeed.</p>
<p><b>Besluit: Kennis geneem.</b></p>	<p><b>Decision: Noted.</b></p>
<p><b>11. Aanbeveling</b> (pt 8.4 van die Appèlprosedure). Die Sinode keur die werkswyse van die Appèldeputate goed.</p>	<p><b>11. Recommendation</b> (pt 8.4 of Procedure for Appeal) The Synod approves the procedure of the Deputies of Appeal.</p>
<p><b>Besluit: Goedgekeur.</b></p>	<p><b>Decision: Approved.</b></p>
<p>Die vergadering gaan uit <i>camera</i>.</p>	<p>The meeting is no longer <i>in camera</i></p>