

## 12. Appeals and Petitions of Protest

### 12.1 REPORT OF THE COMMISSION PRE-ADVICE ON THE RECEPTIVITY OF APPEALS AND PETITIONS OF PROTEST (Artt 19, 66, 113, 242)

- A. Rev RM van der Merwe presents the Report.
- B. **Decision:** Refer pt 4.1.5.1 of the Third Report to a Commission Pre-Advice.
- C. Rev PK Lourens reports on behalf of the Commission Pre-Advice.
- D. **Decision:**
  - 1. That the Minutes of article 113 be approved as correct.
  - 2. That editorially amended motivation serve as the motivation of the specific decision at article 113 of the Minutes pt.4.1.5.1.

#### E. **FIRST REPORT**

##### 1. **Assignment**

*The assignment of the Commission Legal Matters is to advise Synod regarding RECEPTIVITY of all Appeals of Petitions of Protest. Furthermore, the Commission Legal Matter should immerse themselves fully in the content of the different Appeals and Petitions of Protest without any decision being affected (Acta, 1991:540, E2).*

**Decision: Note taken.**

##### 2. **Synod takes note**

2.1 *Overview of **Appeals** with the accompanying documentation that has been evaluated*

- 2.1.1 Appeal br L Kruger against the decision of Particular Synod North-West, 21 November 2006, regarding the manner of celebration of Holy Communion at GK Kuruman.
- 2.1.2 Appeal 1 br HG Kruger against the decision of Particular Synod North-West, November 2006.
- 2.1.3 Appeal GK Colesberg against the pronouncements of Southern Particular Synod, November 2006.
- 2.1.4 Appeal GK Southcoast against the decision of Particular Synod Freestate and KwaZulu-Natal, November 2006.
- 2.1.5 Appeal br NP Kruger against a Curator decision November 2004.
- 2.1.6 Appeal of Classis Etosha against a decision of Regional Synod Bushveld 2008.
- 2.1.7 Appeal 2 br HG Kruger against a decision of the Regional Synod Freestate and KwaZulu-Natal, 18/19 November 2008.

**Decision: Note taken of 2.1.1 to 2.1.7.**

2.2 *Overview of **Petitions of Protest** with the accompanying documentation that has been evaluated*

- 2.2.1 Petition of Protest – GK Orania against the acceptance of a Declaration of Human Rights at Synod 1985.
- 2.2.2 Petition of Protest – GK Pretoria (Dissenting) against the decision to apply for SACC-membership.
- 2.2.3 Petition of Protest – Particular Synod Bushveld against GKSA membership of the SACC.
- 2.2.4 Petition of Protest – GK Oos-Moot against a decision of Synod 2006 on SACC and parliamentary desk.
- 2.2.5 Petition of Protest – GK Potchefstroom against the decision of Synod 1964 on amendment CO, art 31.
- 2.2.6 Petition of Protest – GK Parys against a decision of Synod 2006, CO, art 4.
- 2.2.7 Petition of Protest – GK Pretoria (Dissenting) against decisions of Synod 2006

- regarding the new “structure” of majority assemblies.
- 2.2.8 Petition of Protest br AJ Burger – against decisions of National Synod Potchefstroom 1985 and 1997.
  - 2.2.9 Petition of Protest – br JL Kruger regarding the decision of Synod 2003 on celebration of the Holy Communion.
  - 2.2.10 Petition of Protest – br JF Kruger regarding the decision of Synod 2003 on celebration of the Holy Communion.
  - 2.2.11 Petition of Protest – Classis Krugersdorp against decisions of Synod 2006 on women in the offices.
  - 2.2.12 Petition of Protest – GK Brits-West against a decision of Synod 2006 on women in the offices.
  - 2.2.13 Petition of Protest – br PE van der Dussen against a decision of Synod 1982 – protest based on BC, artt 27-29.
  - 2.2.14 Petition of Protest – Regional Synod Randvaal against a decision of Synod 2003 regarding casuistics.
  - 2.2.15 Petition of Protest 1 – br N van der Dussen against a decision of Synod 2003: Report Deputies Liturgical Matters.
  - 2.2.16 Petition of Protest 2 – br N van der Dussen against a decision of Synod 2003: the 2001-versification in comparison to the 1936-versification’s place in church liturgy/life.
  - 2.2.17 Petition of Protest – KH and T Sattlegger against a decision of Synod 2003: the 2001-versification in comparison to the 1936-versification’s place in church liturgy/life.
  - 2.2.18 Petition of Protest 3 – br NP Kruger against a decision of Synod 2003 regarding MA Kruger and his claim against the GKSA.
  - 2.2.19 Petition of Protest – GK Wonderboompoort against a decision of the Curators 2006.
  - 2.2.20 Petition of Protest – Regional Synod Bushveld against a decision of Synod 2000.
  - 2.2.21 Petition of Protest – Regional Synod Bushveld against a decision of Synod 1958.

**Decision: Note taken of 2.2.1 to 2.2.21.**

2.3 *Possible involvement of Legal Deputies in decisions against which an appeal or protest was brought.*

- 2.3.1 Personal involvement of members of the Commission has been taken into account. All recommendations of the Commission Legal Matters are unanimous.

**Decision: Note taken.**

**3. Synod considers**

3.1 *Adjudication of receptivity of Appeals*

- 3.1.1 The procedure as determined by Synod 1939 (Acta, 1939:144-145, 1-5) – as amended by Synods 1964, 1973, 1985, 1991, 1997 – as well as the requirements of CO, art 46 were followed in the evaluation of the receptivity of the different Appeals.
- 3.1.2 The following aspects were specifically taken into consideration:
  - 3.1.2.1 Notice of Appeal should be received within six weeks.
  - 3.1.2.2 Wording of the decision that is appealed should be correct.
  - 3.1.2.3 Grounds for protest should be in the protestor’s own words.
  - 3.1.2.4 The appeal should be available in writing (where possible, preferably 14 days before majority assembly), Church Order, art 46.
- 3.1.3 Recommendation: Synod takes note.

**Decision: Note taken.**

3.2 *Adjudication of receptivity of Petitions of Protest*

- 3.2.1 Synod (Acta, 2003:43, 3.2) appointed Study Deputies to research the problems around the scope of the decisions of Synods 1967, 1991 and 1994 (Acta, 1967:349-350, 1991:526-528 and 1994:51-55) and to advise Synod. The Study Deputies later reports on the right to direct access to any majority assembly.
- 3.2.2 In the meantime the same requirements for receptivity of Petitions of Protest as determined by Synod 2003 (Acta, 2003:43, 3.2) are approved. The Commission took

these as point of departure in the adjudication of the receptivity of petitions of protest.

3.2.3 The following aspects were specifically used in the adjudication:

- 3.2.3.1 Protest is against an existing Synod decision.
- 3.2.3.2 Synod decision has been rendered correctly.
- 3.2.3.3 Grounds for protest are in the protestor's own words.
- 3.2.3.4 Church Order, art 46.

3.2.4 Recommendation: Synod takes note.

**Decision: Note taken of 3.2.1 to 3.2.4.**

#### **4. The Synod decision**

4.1 *Appeal br L Kruger against decision of Particular Synod North-West, 21 November 2006 on the manner in which the Holy Communion is celebrated in GK Kuruman.*

4.1.1 Time of notice

4.1.1.1 Decision of Particular Synod North-West: 21 November 2006.

4.1.1.2 Notice of Appeal: 21 February 2007 (received on 7 March 2007).

4.1.2 Wording of the decision

4.1.2.1 The official wording of the decision is rendered correctly.

4.1.3 Grounds for Appeal in own words

4.1.3.1 One ground for appeal is offered in own words.

4.1.4 Submission of Appeal

4.1.4.1 The Appeal was submitted in time.

4.1.5 Church Order, article 46

4.1.5.1 The appeal is against a decision that has not yet served.

**Decision: Note taken.**

4.1.6 Recommendation

4.1.6.1 The Appeal is receptive.

4.1.6.2 Synod appoints an Appeal Commission to handle the Appeal.

**Decision: Approved.**

4.2 *Appeal 1: br HG Kruger against a decision of Particular Synod North-West, November 2006*

4.2.1 Time of notice

4.2.1.1 Decision of Particular Synod North-West: 21 November 2006.

4.2.1.2 Notice of Appeal: 8 March 2007 (Letter to Synod 2008: 12 November 2004 – perhaps a typing error).

4.2.2 Wording of the decision

4.2.2.1 The official wording of the decision is attached.

4.2.3 Grounds for Appeal in own words

4.2.3.1 Two grounds are offered in own words.

4.2.4 Submission of the Appeal

4.2.4.1 The Appeal was made available in time.

4.2.5 Church Order, article 46

4.2.5.1 The Appeal is against a decision that has not served before.

**Decision: Note taken.**

4.2.6 Recommendation

4.2.6.1 The Appeal is receptive.

4.2.6.2 Synod appoints an Appeals Commission to handle the Appeal.

**Decision: Approved.**

4.3 *Appeal GK Colesberg against the pronouncement of Southern Particular Synod, November 2006*

4.3.1 The GK Colesberg gives written notification of Appeal on 9 January 2007.

4.3.2 The Appeal is revoked in writing on 11 November 2008.

**Decision: Note taken.**

4.4 *Appeal GK Suidkus against the decision of Particular Synod Freestate and Natal, November 2006*

4.4.1 The GK Suidkus gives written notification of Appeal on 1 January 2006.

4.4.2 The Appeal is revoked in writing on 12 November 2008.

**Decision: Note taken.**

4.5 *Appeal br NP Kruger against a decision of the Curators November 2004*

4.5.1 Time of notification

4.5.1.1 Decision of Curators: 20 October 2004.

4.5.1.2 Notification of Appeal: From the pieces available (as submitted by the Appellant) it seems that the Appellant did not give notification of appeal within the correct timeframe.

4.5.2 Wording of the decision

4.5.2.1 The official wording of the decision is quoted.

4.5.3 Grounds for protest in own words

4.5.3.1 The piece is offered as an Appeal, but the appellant do not indicate clearly argued grounds for Appeal.

4.5.4 Submission of Appeal

4.5.4.1 The Appeal was submitted in time.

4.5.5 Church Order, article 46

4.5.5.1 The appeal is against a decision that has not served before.

**Decision: Note taken.**

4.5.6 Recommendation

4.5.6.1 The Appeal is declare non-receptive.

**Decision: Approved.**

4.6 *Appeal of Classis Etosha against a decision of Regional Synod Bushveld 2008*

4.6.1 Time of notification

4.6.1.1 Decision of Regional Synod Bushveld: 17 November 2006.

4.6.1.2 Notification of Appeal: 21 November 2008.

4.6.2 Wording of decision

4.6.2.1 The official wording of the decision is attached.

4.6.3 Grounds for protest in own words

4.6.3.1 Five grounds for appeal are offered in own words.

4.6.4 Submission of Appeal

4.6.4.1 The Appeal was made available in time.

4.6.5 Church Order, article 46

4.6.5.1 The appeal is against a decision that has not served before.

**Decision: Note taken.**

4.6.6 Recommendation

4.6.6.1 The Appeal is receptive.

4.6.6.2 Synod appoints an Appeals Commission to handle the Appeal.

**Decision: Approved.**

4.7 *Appeal 2 HG Kruger against a decision of the Regional Synod Freestate and KwaZulu-Natal, 18/19 November 2008*

4.7.1 Notice of Appeal received 1 December 2008.

4.7.2 The Appeal document in not yet available.

4.7.3 Recommendation

4.7.3.1 That the Second Report reports on the receptivity of the Appeal.

**Decision: Approved.**

## PETITIONS OF PROTEST

4.8 *Petition of Protest – GK Orania against the acceptance of a Declaration of Human Rights by Synod 1985*

4.8.1 Against existing Synod decision

4.8.1.1 Aimed at Synod decision of 1985 (Acta:651).

4.8.2 Wording of Synod decision

4.8.2.1 Decision is rendered word for word.

4.8.3 Grounds for protest in own words

4.8.3.1 Grounds for the protest should be formulated in the protestor's own words.

4.8.4 Church Order, article 46

4.8.4.1 The content of the Petition of Protest has not served on a Synod before.

**Decision: Note taken.**

4.8.5 Recommendation

4.8.5.1 The Petition of Protest is receptive.

4.8.5.2 Synod appoints a Commission to handle the Petition of Protest.

**Decision: Approved.**

4.9 *Petition of Protest – GK Pretoria (Dissenting) against the decision to apply for SACC membership*

4.9.1 Against existing Synod decision

4.9.1.1 Aimed at Synod decision of 2006 (<http://www.gksa.org.za/sinode2006/Acta2006.pdf> op 18 January 2008).

4.9.2 Wording of Synod decision

4.9.2.1 Decisions are rendered word for word as found on the GKSA website.

4.9.3 Grounds for protest in own words

4.9.3.1 Four grounds of protest are offered for why the decision of 2006 should be reviewed.

4.9.4 Church Order, article 46

4.9.4.1 The content of the protest has not served at a previous Synod.

**Decision: Note taken.**

4.9.5 Recommendation

4.9.5.1 The Petition of Protest is receptive.

4.9.5.2 Synod appoints a Commission to handle the Petition of Protest.

**Decision: Approved.**

4.10 *Petition of Protest – Particular Synod Bushveld against GKSA's membership of the SACC*

4.10.1 Against existing Synod decision

4.10.1.1 Aimed at Synod decision of 2006 (Acta:172-175).

4.10.2 Wording of Synod decision

4.10.2.1 Decisions are rendered word for word as in Acta 2006.

4.10.3 Grounds for protest in own words

4.10.3.1 Four grounds of protest are offered for why the decision of 2006 should be reviewed.

4.10.4 Church Order, article 46

4.10.4.1 The content of the protest has not served at a previous Synod.

**Decision: Note taken.**

4.10.5 Recommendation

4.10.5.1 The Petition of Protest is receptive.

4.10.5.2 Synod appoints a Commission to handle the Petition of Protest.

**Decision: Approved.**

4.11 *Petition of Protest – GK Oos-Moot against a decision of Synod 2006 on SACC and parliamentary desk*

4.11.1 Against existing Synod decision

4.11.1.1 Aimed at Synod decision of 2006 (Acta:172-175, art 14.1).

4.11.2 Wording of Synod decision

4.11.2.1 Decisions are rendered word for word as in Acta 2006.

4.11.3 Grounds for protest in own words

4.11.3.1 Four grounds for protest are offered for why the decision of 2006 should be reviewed.

4.11.4 Church Order, article 46

4.11.4.1 The content of the protest has not served on a Synod previously.

**Decision: Note taken.**

4.11.5 Recommendation

4.11.5.1 The Petition of Protest is receptive.

4.11.5.2 Synod appoints a Commission to handle the Petition of Protest.

**Decision: Approved.**

4.12 *Petition of Protest – GK Potchefstroom against the decision of Synod 1964 on the amendment of CO, art 31*

4.12.1 Against existing Synod decision

4.12.1.1 Aimed at Synod decision of 1964 (Acta:73, 35).

4.12.2 Wording of Synod decision

4.12.2.1 Decisions are rendered word for word as in Acta 1964.

4.12.3 Grounds for protest in own words

4.12.3.1 Four grounds for protest are offered for why the decision of 1964 should be reviewed.

4.12.4 Church Order, article 46

4.12.4.1 The content of the protest did not serve at a previous Synod.

**Decision: Note taken.**

4.12.5 Recommendation

4.12.5.1 The Petition of Protest is receptive.

4.12.5.2 Synod appoints a Commission to deal with the Petition of Protest.

**Decision: Approved.**

4.13 *Petition of Protest – GK Parys against a decision of Synod 2006, CO, art 48*

4.13.1 Against existing Synod decision

4.13.1.1 Aimed at Synod decision of 2006 (Acta 2006:391, art 19.2).

4.13.2 Wording of Synod decision

4.13.2.1 Decisions are rendered word for word as in Acta 2006.

4.13.3 Grounds for protest in own words

4.13.3.1 Two grounds for protest are offered for why the decision in 2006 should be reviewed.

4.13.4 Church Order, article 46

4.13.4.1 The content of the protest has not served at a previous Synod.

**Decision: Note taken.**

4.13.5 Recommendation

4.13.5.1 The Petition of Protest is receptive.

4.13.5.2 Synod appoints a Commission to handle the Petition of Protest.

**Decision: Approved.**

4.14 *Petition of Protest – GK Pretoria (Dissenting) against decision of Synod 2006 on new “structures” of majority assemblies*

4.14.1 Against existing Synod decision

4.14.1.1 Aimed at Synod decision of 2006 (Acta 2006:391, art 19.2).

4.14.2 Wording of decision

4.14.2.1 Decisions are rendered word for word as in Acta 2006.

4.14.3 Grounds for protest in own words

4.14.3.1 Four grounds for protest are offered for why the decision of 2006 should be reviewed.

4.14.4 Church Order, article 46

4.14.4.1 The content of the protest has not served at a previous Synod.

**Decision: Note taken.**

4.14.5 Recommendation

4.14.5.1 The Petition of Protest is receptive.

4.14.5.2 Synod appoints a Commission to deal with the Petition of Protest.

**Decision: Approved.**

4.15 *Petition of Protest br AJ Burger – against decision of National Synod Potchefstroom 1985 and 1997*

4.15.1 Against existing synod decision

4.15.1.1 Aimed at synod decisions of 1985 (Acta 1985:354-357) and 1997 (Acta:562).

4.15.2 Wording of decision

4.15.2.1 Decisions are rendered word for word as in Acta GKSA 1985 and 1997.

4.15.3 Grounds for protest in own words

4.15.3.1 Protest is offered for why the decisions of 1985 and 1997 should be reviewed.

4.15.4 Church Order, article 46

4.15.4.1 The content of the protest has not served at a previous Synod.

**Decision: Note taken.**

4.15.5 Recommendation

4.15.5.1 The Petition of Protest is receptive.

4.15.5.2 Synod appoints a Commission to deal with the Petition of Protest.

**Decision: Approved.**

4.16 *Petition of Protest – br JL Kruger regarding the decision of Synod 2003 on the celebration of the Holy Communion*

4.16.1 Against existing synod decision

4.16.1.1 Aimed at synod decisions of 2003 (Acta 2003, Point F).

4.16.2 Wording of decision

4.16.2.1 Decisions are rendered word for word as in Acta 2003.

4.16.3 Grounds for protest in own words

4.16.3.1 Two grounds for protest are offered for the revision of the decisions of 2003.

4.16.4 Church Order, article 46

4.16.4.1 The content of the protest has not served at a previous Synod.

**Decision: Note taken.**

4.16.5 Recommendation

4.16.5.1 The Petition of Protest is receptive.

4.16.5.2 Synod appoints a Commission to deal with the Petition of Protest.

**Decision: Approved.**

4.17 *Petition of Protest – br JF Kruger regarding the decision of Synod 2003 on the celebration of the Holy Communion*

4.17.1 Against existing synod decision

4.17.1.1 Aimed at synod decisions of 2003 (Acta, Point F).

4.17.2 Wording of decision

4.17.2.1 Decisions are rendered word for word as in Acta 2003.

4.17.3 Grounds for protest in own words

4.17.3.1 Four grounds of protest are offered in favour of the revision of the decision of 2003.

4.17.4 Church Order, article 46

4.17.4.1 The content of the protest has not served at a previous Synod.

**Decision: Note taken.**

4.17.5 Recommendation

4.17.5.1 The Petition of Protest is receptive.

4.17.5.2 Synod appoints a Commission to handle the Petition of Protest.

**Decision: Approved.**

4.18 *Petition of Protest – Classis Krugersdorp regarding decisions of Synod 2006 on the woman in the office*

4.18.1 Recommendation

4.18.1.1 That the Supplementary Report reports on the receptivity of this Petition of Protest.

**Decision: Approved.**

4.19 *Petition of Protest – GK Brits-Wes against a decision of Synod 2006 on women in the offices*

4.19.1 Against existing synod decision

4.19.1.1 Aimed at synod decisions of 2006 (Acta:415-416, art 54,3).

4.19.2 Wording of decision

4.19.2.1 Decisions are rendered word for word as in Acta 2006.

4.19.3 Grounds for protest in own words

4.19.3.1 Protest is offered in favour of the revision of the decision of 2006.

4.19.4 Church Order, article 46

4.19.4.1 The content of the protest has not served at a previous Synod.

**Decision: Note taken.**

4.19.5 Recommendation

4.19.5.1 The Petition of Protest is receptive.

4.19.5.2 Synod appoints a Commission to handle the Petition of Protest.

**Decision: Approved.**

4.20 *Petition of Protest – br PE van der Dussen against a decision of Synod 1982 – protest based on BC, artt 27-29*

4.20.1 Against existing synod decision

4.20.1.1 Aimed at Synod decision of 1982 (Acta:383vv).

4.20.2 Wording of decision

4.20.2.1 Decision is rendered word for word as in Acta 1982.

4.20.3 Grounds for protest in own words

4.20.3.1 Eight grounds for protest are offered in favour of the revision of the decision of 1982.

4.20.4 Church Order, article 46

4.20.4.1 The content of the protest has not served at a previous Synod.

**Decision: Note taken.**

4.20.5 Recommendation

4.20.5.1 The Petition of Protest is receptive.

4.20.5.2 Synod appoints a Commission to handle the Petition of Protest.

**Decision: Approved.**

4.21 *Petition of Protest – Regional Synod Randvaal against a decision of Synod 2003 regarding casuistics*

4.21.1 Against existing synod decision

4.21.1.1 Aimed at Synod decision of 2003 (Acta:555).

4.21.2 Wording of decision

4.21.2.1 Decisions are rendered word for word as in Acta 2003.

4.21.3 Grounds for protest in own words



4.21.3.1 A protest with subsections is offered in favour of a revision of the decision of 2003.

4.21.4 Church Order, article 46

4.21.4.1 The content of the protest has not served at a previous Synod.

**Decision: Note taken.**

4.21.5 Recommendation

4.21.5.1 The Petition of Protest is receptive.

4.21.5.2 Synod appoints a Commission to handle the Petition of Protest.

**Decision: Approved.**

4.22 *Petition of Protest 1 – br N van der Dussen against a decision of Synod 2003: Report Deputies Liturgical Matters*

4.22.1 Against existing synod decision

4.22.1.1 Aimed at Synod decision of 2003

(<http://www.gksa.co.za/sinode2003/liturgies/rapport.htm>).

4.22.2 Wording of decision

4.22.2.1 Decisions are rendered word for word as found on the GKSA website

4.22.3 Grounds for protest in own words

4.22.3.1 Three grounds of protest are offered in favour of the revision of the decision of 2003.

4.22.4 Church Order, article 46

4.22.4.1 The content of the protest has not served at a previous Synod.

**Decision: Note taken.**

4.22.5 Recommendation

4.22.5.1 The Petition of Protest is receptive.

4.22.5.2 Synod appoints a Commission to handle the Petition of Protest.

**Decision: Approved.**

4.23 *Petition of Protest 2 – br N van der Dussen against a decision of Synod 2003: The 2001-versification in comparison to the 1936-versification's place in church liturgy/life.*

4.23.1 Recommendation

4.23.1.1 That the Second Report comments on the receptivity of this Petition of Protest.

**Decision: Approved.**

4.24 *Petition of Protest – KH and T Sattlegger against a decision of Synod 2003: The 2001-versification in comparison to the 1936-versification's place in the church liturgy/life*

4.24.1 Against existing synod decision

4.24.1.1 Aimed at Synod decision of 2003 (Acta:643,644).

4.24.2 Wording of decision

4.24.2.1 Decisions are rendered word for word as in Acta 2003.

4.24.3 Grounds for protest in own words

4.24.3.1 Six grounds for protest are offered in favour of a revision of the 2003 decision.

4.24.4 Church Order, article 46

4.24.4.1 The same grounds are offered as in the concluded protest of AH Bogaards at Synod GKSA (2006). It seems that there is strong agreement between the two above-mentioned Petitions of Protest.

4.24.4.2 The *necessitas* for why the same grounds should be adjudicated by Synod again, has not been indicated in the Petition of Protest.

**Decision: Note taken.**

4.24.5 Recommendation

4.24.5.1 The Petition of Protest is declare non-receptive based on the Church Order, article 46.

**Decision: Approved. The amended Petition of Protest, received and dated 1 January 2009, is referred to Commission Appeals and Petitions of Protest for recommendation.**

4.25 *Petition of Protest 1 – br NP Kruger against a decision of Synod 2000 on MA Kruger*

4.25.1 Recommendation

4.25.1.1 That the Second Report comments on the receptivity of this Petition of Protest.

**Decision: Approved.**

4.26 *Petition of Protest 2 – br NP Kruger against a decision of Synod 2003 on MA Kruger*

4.26.1 Recommendation

4.26.1.1 That the Second Report comments on the receptivity of this Petition of Protest.

**Decision: Approved.**

4.27 *Petition of Protest 3 – br NP Kruger against a decision of Synod 2003 on MA Kruger and claim against GKSA*

4.27.1 Recommendation

4.27.1.1 That the Second Report comments on the receptivity of this Petition of Protest.

**Decision: Approved.**

4.28 *Petition of Protest – GK Wonderboompoort against a decision of the Curatore 2006*

4.28.1 Against existing synod decision

4.28.1.1 The Petition of Protest is aimed at a decision of the Curators (*synodus contracta*) as communicated to the protestors in a letter dated 20 June 2008.

4.28.2 Wording of decision

4.28.2.1 The decision is rendered as the Curators formulated it in the letter of 20 June 2008.

4.28.3 Grounds for protest in own words

4.28.3.1 Two grounds for protest are offered in favour of the revision of the decision of the Curators 2006.

4.28.4 Church Order, article 46

4.28.4.1 The content of the protest has not served at a previous Synod.

4.28.5 Recommendation

4.28.5.1 The Petition of Protest is receptive.

4.28.5.2 Synod appoints a Commission to handle the Petition of Protest.

**Decision: The matter is referred back to the Commission for Appeals and Petitions of Protest.**

4.29 *Petition of Protest – Regional Synod Bushveld against the decision of Synod 2000*

4.29.1 Against existing synod decision

4.29.1.1 Aimed at Synod decision of 2000 (Acta:357).

4.29.2 Wording of decision

4.29.2.1 Decisions are rendered word for word as in Acta 2000.

4.29.3 Grounds for protest in own words

4.29.3.1 A protest with subsections is offered in favour of the revision of the decision of 2000.

4.29.4 Church Order, article 46

4.29.4.1 The content of the protest has not served at a previous Synod.

**Decision: Note taken.**

4.29.5 Recommendation

4.29.5.1 The Petition of Protest is receptive.

4.29.5.2 Synod appoints a Commission to handle the Petition of Protest.

**Decision: Approved.**

4.30 *Petition of Protest – Regional Synod Bushveld against the decision of Synod 1958*

4.30.1 Against existing synod decision

4.30.1.1 Aimed at Synod decision of 1958 (Acta:42).

4.30.2 Wording of decision

4.30.2.1 Decision is rendered word for word as in Acta 1958.

4.30.3 Grounds for protest in own words

4.30.3.1 A protest with subsections is offered in favour of the revision of the decision of 1958.

4.30.4 Church Order, article 46

4.30.4.1 The content of the protest has not served at a previous Synod.

**Decision: Note taken.**

4.30.5 Recommendation

4.30.5.1 The Petition of Protest is receptive.

4.30.5.2 Synod appoints a Commission to handle The Petition of Protest.

**Decision: Approved.**

## F. SECOND REPORT

### 1. Assignment

1.1 See *First Report* above.

1.2 Only adjudications outstanding and pieces received after the first meeting of the Deputies are dealt with in the *Second Report*.

**Decision: Note taken.**

### 2. Synod takes note

2.1 Overview of **Appeals** with accompanying documentation that have been adjudicated  
Appeal 2 of br Gert Kruger against a decision of Regional Synod Freestate and KwaZulu-Natal, 18/19 November 2008 (4.7 of *First Report*).

2.2 Overview of **Petitions of Protest** adjudicated, with accompanying documentation

2.2.1 Petition of Protest – Classis Krugersdorp regarding decisions of Synod 2006 on women in the offices (4.18 on *First Report*).

2.2.2 Petition of Protest – Regional Synod Randvaal against decision of Synod 2003 on casuistics (4.21 of *First Report*).

2.2.3 Petition of Protest 2 – br N van der Dussen against a decision of Synod 2003: The 2001-versification in comparison to the 1936-versification's place in church liturgy/life (4.23 of *First Report*).

2.2.4 Petition of Protest – KH and T Sattlegger against a decision of Synod 2003: The 2001-versification in comparison to the 1936-versification's place in church liturgy/life (4.24 of *First Report*).

2.2.5 Petition of Protest 1 – br NP Kruger against a decision of Synod 2003 on MA Kruger and claim against the GKSA (4.25 of *First Report*).

2.2.6 Petition of Protest 2 – br NP Kruger against a decision of Synod 2003 on MA Kruger and claim against the GKSA (4.26 of *First Report*).

2.2.7 Petition of Protest 3 – br NP Kruger against a decision of Synod 2003 on MA Kruger and claim against the GKSA (4.27 of *First Report*).

2.2.8 Petition of Protest – GK Wonderboompoort against a decision of the Curators 2006 (4.28 of *First Report*).

**Decision: Note taken of 2.2.1 to 2.2.8.**

2.3 Possible involvement of the Deputies Legal Matters in decisions that have been appealed/protested against

2.3.1 Personal involvement of members of the Commission has been taken into account.  
All the recommendations of the Commission are unanimous.

**Decision: Note taken.**

### 3. Synod considers

3.1 Adjudication of receptivity of **Appeals and Petitions of Protest**

3.1.1 The procedure as explained in 3.1 and 3.2 of the *First Report* was followed.

### Recommendation

3.1.2 Synod takes note.

**Decision: Note taken.**

#### **4. Synod decides**

4.1 *Appeal 2 – HG Kruger against a decision of the Regional Synod Freestate and KwaZulu-Natal, 18/19 November 2008 (4.7 of First Report)*

4.1.1 Time of notification

4.1.1.1 Decision of Regional Synod Freestate and Kwazulu-Natal was on 18/19 November 2008.

4.1.1.2 Notification of Appeal was on 1 December 2008.

4.1.2 Wording of decision

4.1.2.1 The decisions are rendered word for word, with the relevant part of the Minutes of the Regional Synod as Appendix. However, there is a date error 2006 instead of 2008.

4.1.3 Grounds for Appeal in own words

4.1.3.1 Two grounds for Appeal are offered with motivation.

4.1.4 Submission of Appeal

4.1.4.1 The Appeal was submitted in time – available on 18 December 2008.

4.1.5 Church Order, article 46

4.1.5.1 The Appeal deals with a matter that has not served previously.

**Decision: Note taken.**

4.1.6 Recommendation

4.1.6.1 The Appeal is receptive.

4.1.6.2 Synod appoints an Appeals Commission to deal with the Appeal.

**Decision: Approved in the light of 4.5.1 to 4.5.1.4.**

4.2 *Petition of Protest – Classis Krugersdorp on decisions of Synod 2006 on women in the offices (4.18 of First Report)*

4.2.1 Against existing synod decision

4.2.1.1 Aimed at synod decisions of 2006 (Acta:412, 2, 3).

4.2.2 Wording of decision

4.2.2.1 Decisions are rendered word for word.

4.2.3 Grounds for protest in own words

4.2.3.1 Grounds for the protest are offered in own words, focused on arguments of church polity.

4.2.4 Church Order, article 46

4.2.4.1 After the conclusion of the protested decision, two additional decisions were taken on the matter, but this does not endanger the protest (according to CO, article 46). The protest deals with the fact that the Petition of Protest of Particular Synod Bushveld succeeded, and it is therefore a new matter.

**Decision: Note taken.**

4.2.5 Recommendation

4.2.5.1 The Petition of Protest is receptive.

4.2.5.2 Synod appoints a Commission to handle the Petition of Protest.

**Decision: Approved in the light of 4.2.1 to 4.2.4.1.**

4.3 *Petition of Protest – Regional Synod Randvaal against a decision of Synod 2003 regarding casuistics (4.21 of First Report)*

4.3.1 Against existing synod decision

4.3.1.1 Aimed at Synod decision of 2003 (Acta:555).

4.3.2 Wording of decision

4.3.2.1 Decisions are rendered word for word as in Acta 2003.

4.3.3 Grounds for protest in own words

4.3.3.1 A protest with subsections is offered in favour of a revision of the decision of 2003.

4.3.4 Church Order, article 46

4.3.4.1 The content of the protest has not served at a previous Synod.

4.3.5 Recommendation

4.3.5.1 The Petition of Protest is receptive.

4.3.5.2 Synod appoints a Commission to deal with the Petition of Protest.

**Decision: The matter (pt 4.3) is referred back to the Commission. See further decisions at the Third Report at 4.2.**

4.4 *Petition of Protest 2 – br N van der Dussen against a decision of Synod 2003: The 2001-versification in comparison to the 1936-versification's place in church liturgy/life (4.23 of First Report)*

4.4.1 Against existing synod decision

4.4.1.1 Aimed at Synod decision of 2003 (p642, 3.2.2).

4.4.2 Wording of decision

4.4.2.1 Decisions are rendered word for word as found on the GKSA website.

4.4.3 Grounds for protest in own words

4.4.3.1 Three grounds for protest are offered in favour for a revision of the decision of 2003.

4.4.4 Church Order, article 46

4.4.4.1 The content of the grounds for protest centres on the method of the Deputies with regard to the comments from the churches.

4.4.4.2 The first ground for protest (central ground for protest – see own words) deals with a claimed decision beforehand by the Deputies regarding their recommendation concerning the 2001-versification – before the comments were gathered. This matter has not received attention before.

4.4.4.3 The second and third ground for appeal deals with the manner in which comments on the 2001-versification were handled by the Deputies of Synod 2003. During Synod 2006 a Petition of Protest of GK Pretoria-Rooiwal (Acta 2006:636, 21.6) served, with the result that the matter cannot serve in terms of CO, article 46.

**Decision: Note taken.**

4.4.5 Recommendation

4.4.5.1 Only ground for protest 1 of the Petition of Protest is receptive.

4.4.5.2 Synod appoints a Commission to handle the Petition of Protest (grounds for protest 1).

**Decision: The recommendation is not approved and the Petition of Protest is declared receptive.**

4.5 *Petition of Protest – KH and T Sattlegger against a decision of Synod 2003: The 2001-versification in comparison 1936-versification's place in church liturgy/life (compare 4.24 of First Report)*

4.5.1 Late protest

4.5.1.1 The Petition of Protest (dated 1 January 2009) was submitted to Synod as an updated protest of a previous protest that has been declared non-receptive by the Synod.

4.5.1.2 The updated protest deals with the same decision, but it seems that Grounds for Protest 1-4 (which endangered the previous version of the protest in terms of CO, article 46) were omitted and that grounds for protest 5 and 6 were expanded to form four new grounds for protest.

4.5.1.3 In a correspondence of the Administrative Buro (dated 12 May 2008) the protestors were reminded of the fact that the petition should be submitted before 30 June 2008.

4.5.1.4 Your commission is of the opinion that it would be unreasonable to enter this petition into the Agenda of Synod at this late stage.

**Decision: Note taken.**

4.5.2 Recommendation

4.5.2.1 The updated Petition of Protest is declared non-receptive.

**Decision: Approved in the light of 4.5.1 to 4.5.1.4.**

4.6 *Petition of Protest 1 – br NP Kruger against a decision of Synod 2000 on MA Kruger (4.25 of First Report)*

4.6.1 Against existing synod decision

4.6.1.1 The decision that is protested is not clearly quoted.

4.6.2 Wording of decision

4.6.2.1 Decisions are not rendered as formulated.

4.6.3 Grounds for protest in own words

4.6.3.1 The “Motivation” that is offered (1-5) can not be viewed as grounds for protest, because it is not argued based on Scripture, Confession and Church Order.

4.6.3.2 The so-called Petition of Protest is a version of the historical run of events of the matter without a solid ground for protest (see 1.1.2).

4.6.3.3 The aim of the protestor becomes clear from the last words of the Petition of Protest, “The Curators are in my view punishable”. This formulation creates the impression of a complaint against the Curators.

4.6.3.4 A correspondence of the Curators (05/02/2008) indicates the route for a complaint against the Curators at the General synod.

4.6.4 Church Order, article 46

4.6.4.1 The content of the Petition of Protest has not served at a Synod previously.

**Decision: Note taken.**

4.6.5 Recommendation

4.6.5.1 The Petition of Protest is declared non-receptive.

**Decision: Approved with the addition of 4.6.3.3 as motivation in the light of 4.6.1 to 4.6.4.1.**

4.7 *Petition of Protest 2 – br NP Kruger against a decision of Synod 2000 on MA Kruger (4.26 of First Report)*

4.7.1 Against existing synod decision

4.7.1.1 Aimed against Synod decision of 2003 (Acta:717).

4.7.2 Wording of decision

4.7.2.1 The decision is not fully quoted: The decision regarding 3.1.2.2 to 3.1.2.4 has been “Approved”.

4.7.3 Grounds for protest in own words

4.7.3.1 As in the First Petition of Protest, the “Motivation” probably serves as the grounds of protest. There was a reference to and argumentation of Confession and Scripture, without indicating it as ground for protest.

4.7.3.2 All four grounds are related to claimed transgression of the Ninth Commandment by the Curators and no separate grounds for protest are offered.

4.7.3.3 The content of the protest seems to be complaints against the Curators.

4.7.3.4 A correspondence from the Curators (05/02/2008) indicates the route of entering a complaint against the Curators with the General Synod.

4.7.4 Church Order, article 46

4.7.4.1 The content of the Petition of Protest did not serve at a Synod beforehand.

**Decision: Note taken.**

4.7.5 Recommendation

4.7.5.1 The Petition of Protest is declared non-receptive.

**Decision: Approved in the light of 4.7.1 to 4.7.4.1.**

4.8 *Petition of Protest 3 – br NP Kruger against a decision of Synod 2000 on MA Kruger (4.27 of First Report)*

4.8.1 Against existing synod decision

4.8.1.1 Aimed at synod decisions of 2006.

4.8.2 Wording of decision

4.8.2.1 The decision that is protested, is not clearly quoted.

4.8.3 Grounds for protest in own words

4.8.3.1 As in Petition of Protest 1 and 2, the “Motivation” probably served as grounds for protest. No argumentation based on Scripture, Confession or Church Order is offered.

4.8.3.2 A correspondence of the Curators (05/02/2008) indicates the route of laying a complaint against the Curators at the General Synod.

4.8.4 Church Order, article 46

4.8.4.1 The content of the Petition of Protest has not served at a Synod before.

**Decision: Note taken.**

4.8.5 Recommendation

4.8.5.1 The Petition of Protest is declared non-receptive.

**Decision: Approved in the light of 4.8.1 to 4.8.4.1.**

4.9 *Petition of Protest – GK Wonderboompoort against a decision of the Curators 2006 (4.28 of First Report)*

4.9.1 Recommendation

4.9.1.1 The receptivity of the Petition of Protest is dealt with in the Third Report.

**Decision: Approved.**

## **G. THIRD REPORT**

### **1. Assignment**

1.1 See *First Report* above.

1.2 Only adjudications outstanding and new pieces received after the first meeting of the Deputies are handled in the *Third Report* handled.

**Decision: Note taken.**

### **2. Synod takes note**

2.1 *Overview of **Petition of Protest** with the accompanying documentation that has been adjudicated*

2.1.1 *Petition of Protest – Regional Synod Randvaal against the decision of Synod 2003 regarding casuistics (4.21 of First Report).*

2.1.2 *Petition of Protest – GK Wonderboompoort against a decision of the Curators 2006 (4.28 of First Report).*

**Decision: Note taken.**

2.2 *Possible involvement of Deputies Legal Matters in matters that are appealed/protested against*

2.2.1 Personal involvement of members of the Commission has been taken into account. All recommendations of the Commission are unanimous.

**Decision: Note taken.**

### **3. Synod takes into consideration**

3.2 *Adjudication of receptivity of **Appeals and Petitions of Protest***

3.1.1 The procedure as explained in 3.1 and 3.2 of the *First Report* was followed.

**Decision: Note taken.**

#### **Recommendation**

3.1.2 Synod takes note of the requirements as stated in 3.1.1.

**Decision: The recommendation is approved.**

### **4. Synod decides**

4.1 *Petition of Protest – GK Wonderboompoort against a decision of the Curators 2006 (4.28 of First Report)*

4.1.1 Against existing Curator decision

- 4.1.1.1 Aimed at decision of the Curators taken on 18 June 2008.
  - 4.1.1.2 Synod referred the receptivity of the protest back with regard to the address at which the protest is directed.
  - 4.1.1.3 The Synod decisions of 1982, 1985, 1988 and 1991 as well as the Prospectus of the Theological Seminary has been checked and advice was sought.
  - 4.1.1.4 It seems that there are guidelines regarding the address of the protest, but that these are not quite clear. If the decision of 1988 is taken as point of departure (Synod reconciled it with the findings of the Report that served and referred the entire matter of the Curators to Study Deputies), it is determined that:  
*“2.5.5.1 Protest against the decision(s) of a Curatorium can be addressed at that Curatorium (according to the procedure at CO, art 46).  
 2.5.5.2 If the protest was not sufficiently answered in the view of the protestor, or someone is of the opinion that the decision of the Curatorium infringes on rights, the way of CO, art 46 to the National Synod should be followed and not that of CO, art 31. The reason for this is that the matter of the training of ministers – as well as the control over Theological – is a matter that belongs with the National Synod in terms of CO, art 30” (Acta:536, 537).*
  - 4.1.1.5 It seems that the protestors tried to follow this route. They view the two letters and the manner in which they were answered as enough proof that the protest (not Petition of Protest) was not answered satisfactorily, and for that reason the Petition of Protest to this Synod.
  - 4.1.1.6 If the decisions of 1991 are taken as point of departure by the Study Deputies, it seems that the route for Appeal is the most applicable route when there is an infringement on rights.  
*5.1.3 A Synodus Contracta and a combination of churches rest on the same church political principles as majority meetings, because more churches gather in order to fulfil a certain task in a certain manner (to which they agree), with the right to Appeal to the full Synod” (Acta:506).*
  - 4.1.1.7 It seems that Synod 1991 views the Curators in the same church political manner as majority assemblies. This includes the “normal” route of protest to the relevant assembly (the Curators) as well as the right to appeal to the General Synod.
  - 4.1.1.8 The decision of 1991 concurs with decisions taken in 1981, 1985 and 1988 and does not indicate that the decision of 1988 above has been revoked.
  - 4.1.1.9 Both decisions (1988 and 1991) suppose protest to the relevant Curator meeting before protestors direct their protest at the General Synod, whether by gravamen of appeal.
  - 4.1.1.10 Regarding the two letters in which the problems/protests of a Church Council are corresponded, there is a difference of opinion with what CO, art 46 means with a Gravamen.
  - 4.1.1.11 It therefore seems that the above-mentions Synod decisions can be interpreted in different ways. There is not full clarity on the correct route to follow.
  - 4.1.2 Wording of the Curator decision
  - 4.1.2.1 Reference to Curator decision that was corresponded to Wonderboompoort 30/11/2008 in a letter (letter added as Appendix).
  - 4.1.3 Grounds for protest in own words
  - 4.1.3.1 Grounds for the protest is in own words.
  - 4.1.4 Church Order, article 46
  - 4.1.4.1 The content of the Petition of Protest has not served at a Synod before.
- Decision: Note taken of 4.1.1 to 4.1.4.1.**
- 4.1.5 Recommendation
  - 4.1.5.1 Based on what has been argued above, the Petition of Protest is receptive.
- Decision: The recommendation is not accepted and the Petition of Protest is therefore non-receptive.**
- Motivation:

1. In the Prospectus TSP (p18, 6.2.9) that was presented to Synod 2000, only the route of



appeal is open in terms of the most recent decisions.

2. The two letters mentioned in the reports in 4.1.1.5 and 4.1.1.10 can not be seen as petitions of protest, since it does not meet the requirements of CO, art 46.
3. The Curatorium had no opportunity to conclude the matter in terms of its mandate. If Synod should take such a matter into the Agenda, both parties will lose their opportunity to appeal.

4.1.5.2 Synod refers the Petition of Protest to a Commission.

**Decision: Point 4.1.5.2 falls away in light of the decision at 4.1.5.1.**

4.1.5.3 Synod appoints the Deputies for receptivity of Protests and Appeals as an *ad hoc* commission to advise Synod in the light of the previous Synod decisions (especially in the light of the fact that the Curators are like a majority assembly) regarding a clear practical route for protests against decisions and actions of the Curators in future.

**Decision: Point 4.1.5.3 is not accepted and no *ad hoc* commission is appointed.**

4.2 *Petition of Protest – Regional Synod Randvaal against decisions of Synod 2003 regarding casuistics (4.21 of First Report)*

4.2.1 Against existing synod decision

4.2.1.1 Aimed at Synod decision of 2003 (Acta:555).

4.2.2 Wording of decision

4.2.2.1 Decisions are rendered word for word as in Acta 2003.

4.2.2.2 The protestors see that in the decision that is protested, the recommendations are approved, although this is not noted in the printed Acta of Synod.

4.2.2.3 The hand-written Minutes at points 7.1 and 7.2 regarding this reads “Final recommendations (see 5 of Petition of Protest) ... approved”, after which it was crossed out and replaced with “take note” (compare Minutes 7.1 and 7.2).

4.2.2.4 The question is whether the (*bona fide*) mistake in the version of the decision makes the protest non-receptive?

4.2.2.5 It can be argued that the matter for decision comes to the fore clearly enough in the Minutes, and that the “mistake” therefore makes no essential difference in the receptivity of the protest.

4.2.2.6 It can be argued on the other hand that the decision was not quoted correctly and that the protest is therefore non-receptive.

4.2.2.7 The Commission is of the opinion that this lack of clarity does not necessarily influence the receptivity of the protest.

4.2.3 Grounds for protest in own words

4.2.3.1 A protest with subsections is offered in favour of the revision of the decision of 2003.

4.2.4 Church Order, article 46

4.2.4.1 The content of the protest has not served at a previous Synod.

**Decision: Note taken.**

4.2.5 Recommendation

4.2.5.1 In the light of the above-mentioned argumentation the Petition of Protest is receptive.

4.2.5.2 Synod appoints a Commission to handle the Petition of Protest.

**Decision: Approved are referred to Petition of Protest Commission 4.**