

### **12.3 REPORT 2 – DEPUTIES FOR APPEAL – APPEAL REV FM DREYER AGAINST A DECISION OF REGIONAL SYNOD RANDVAAL (Artt 225, 226)**

- A. The Synod continues in camera.
- B. Dr RM van der Merwe tables the Report.
- C. The Report will be concluded during the Synod session.
- D. The deputy-chairperson, rev SD Snyman, announces the decision to the parties.

#### **E. REPORT**

##### **1. Mandate**

Judge the admissibility, according to the measures of Synod 2012 (Acta 2012:27).

**Decision: Noted.**

##### **2. Background**

The Administrative Bureau received the Appeal on 4 December 2014 (Appendix A) and e-mailed it to the chairman of the Deputies: Appeal on 5 December 2014 (Appendix B). In response to an e-mail notification, the appellant indicated that he would not be able to attend the special assembly of the Deputies on 15 December 2014 (Appendix C – e-mail dated 11 December 2014).

**Decision: Noted.**

##### **3. Determination of admissibility (Acta 2012:27)**

- 3.1 It is an Appeal against a decision of the continued assembly of Regional Synod Randvaal 2012, held on 19 November 2013 at GK Edenvale. The appellant gave notice of Appeal (Appendix D) at that assembly, according to the Deputies: Correspondence of Regional Synod Randvaal. The appellant thus complied with the six-weeks' notice stipulation in terms of Regional Synod Randvaal, but failed to give six weeks' notice of Appeal to *the address* (CO, art 45) of the assembly *to which* is being appealed (Acta 2012:27, 2.2). This failure prevented the Deputies from reviewing the Appeal during 2014, as was intended with the procedure of Synod 2012.
- 3.2 The appellant e-mailed the notice of Appeal together with the Appeal to the e-mail address of Dr Wymie du Plessis on 4 December 2014, which is more than a year after the continued assembly of Regional Synod Randvaal 2012 on 19 November 2013, who informed the chairman of the Deputies on 5 December 2014 (Appendix B).
- 3.3 According to Synod 2012 (Acta 2012:27, 2.3), the requisite copies (including Appendices) must be provided to the scribe of the Deputies at own cost. No such documents were received.
- 3.4 Synod 2012 (Acta 2012:27, 2.2) also requires the appellant to affix all documents and evidence to his Appeal that the Deputies may consider his Appeal (which includes admissibility). No documents, aside from the Appeal itself, were received.
- 3.5 The official redaction of the decision under Appeal has not been provided (Acta 2012:27, 2.4.1).

**Decision: Points 3.1 to 3.5 noted.**

##### **4. Preliminary finding**

- 4.1 The Appeal is deficient in so many essential and fundamental aspects that it cannot merely be deemed technical, formal or procedural in nature (Acta 2012:27, 2.6.1).

4.2 The Appeal against Regional Synod Randvaal 2012 does not comply with the requirements and procedures for admissibility, as approved by Synod 2012.

**Decision: Points 4.1 and 4.2 noted.**

## **5. Further action**

5.1 The preliminary Report (Appendix E) was e-mailed to the appellant on 31 December 2014, together with a notification of the next meeting of the Deputies in this regard on 5 January 2015 at 11:00. According to procedure (Acta 2012), the appellant is entitled to the opportunity to respond.

5.2 The appellant sent an e-mail, dated 1 January 2015, indicating that he would not be able to attend the meeting on 5 January 2015. His e-mail response is attached as Appendix F.

5.3 Synod 2012 (Acta 2012:27, 2.2) also requires the appellant to affix all documents and evidence to his Appeal that the Deputies may consider his Appeal (which includes admissibility). The appellant has still not forwarded any kind of documentation.

5.4 The Deputies reviewed the response and concluded that it does not provide any new testamentary grounds that would warrant the amendment of the preliminary finding of 4.2.

**Decision: Points 5.1 to 5.4 noted.**

## **6. Final recommendation**

Appeal not receptive.

**Decision: Approved (amendment already added – Deputies Acta).**