

Report of Deputies to Investigate a Second Appeal Court

Synod Rockingham 2003 gave the following mandate to deputies (Acts Article 38):

- a) *To investigate whether it is necessary, advisable and possible in the Australian church situation to have a second appeal 'court' in ecclesiastical matters in between Classis and General Synod, convening every year.*
- b) *To submit their report to next synod according to the rules of synod.*

Grounds:

1. *Till the decision of Synod 2000 to divide the FR Churches of Australia into two Classis [Acts Synod 2000 art. 36] the consistories and church members could appeal – before they eventually would appeal to the General Synod – to the second appeal church according to the regulations as formulated in the Australian Church Order art. 31 in italics, up till Synod 2000.*
2. *In the history of the Reformed churches the scriptural basis and necessity of a second appeal 'court' [the Provincial and Regional Synod] has been upheld [compare Bouwman, Gereformeerd Kerkrecht, het recht der kerken in de practijk; Kok/Kampen 1934 vol. II. Page 187ff].*
3. *In important issues pertaining to church and church life especially church discipline as a matter of 'life and death' [Matt. 18:17-19] it takes too long to wait for the next General Synod to be held every three years.*

Deputies notice that Synod Rockingham already recognized how in the past the churches knew a second court of appeal to be *necessary* (ground 2) and that it is morally *important* (ground 3).

In our mandate Synod specified that we are to see whether it is *possible in the Australian church situation to have a second appeal 'court' in ecclesiastical matters in between Classis and General Synod* (our emphasis).

We find that it is not possible within the framework of our present *Church Order*, which specifies that:

Article 28 *Three kinds of ecclesiastical assemblies shall be maintained...*

Article 31 *...has been wronged by a minor assembly, he shall have a right of appeal to the major assembly...*

Ground: The bond of churches is too small to institute regional synods.

Nevertheless we serve the synod with the following proposals, which either go beyond our mandate, or do not remain within the bounds of our present *Church Order*:

Proposal One:

This proposal goes beyond our mandate because here we do not propose an assembly between *Classis* and *General Synod* but do give the possibility for a second appeal.

Synod decides: to appoint "appeal churches" from within the classical regions as the first appeal court. Those that are not satisfied with the decision of the *appeal church* may appeal to *classis* and if necessary, then to *synod*. Thus *classis* becomes the second appeal court.

Grounds:

1. The neighbour church as an appeal body worked for both first and second appeals in the past.
2. In agreement with Article 28 of the Church Order, no other assembly is established besides the three agreed upon.
3. Although not entirely in agreement with Article 31 of the Church Order for the appeal first moves from one minor assembly to the next, after that, it does move from minor to major assemblies.
4. Only ordained office-bearers deal with appeals.

Proposal Two:

Note: This proposal goes beyond our mandate because here we do not propose an assembly between *Classis* and *General Synod* and is not in agreement with Article 31 of the Church Order which rules that appeals are to move from minor to major assemblies, but does give the possibility for a second appeal.

Synod decides: to return to the system whereby we appoint appeal churches and second appeal churches. This means that classis will no longer deal with appeals.

Grounds:

1. In the past it has been proven that this system regarding appeals works;
2. Only ordained office bearers will be involved;
3. Only a small number of office bearers that may subsequently be appointed to a General Synod have also become involved with the matter (here we think especially of ministers – for while there are only two classical regions, at least half the number of ministers at synod would have dealt with the matter).
4. Classis meetings do not come under strain with the danger that an unbalanced decision is made when complicated appeals have to be dealt with under the pressure of time [due to the distance some of the churches are apart, it is not always easy nor financially prudent to adjourn Classis for any length of times so that some work of investigation can be done].

Proposal Three:

Note: This proposal is in agreement with our mandate but goes beyond Article 31 of the *Church Order*, which says that appeals move on from minor to major assemblies.

Synod decides: to appoint an “appeal church” from both classical region as a second appeal court: (every Synod would appoint new “appeal churches” so that, for example, for a three year period between synod, Armadale is the appeal church in Classis South to serve the churches of Classis North, next Synod appoints Byford etc. It could be done in this alphabetical order to avoid any indication of bias.)

Grounds:

1. The neighbour church as an appeal body worked for both first and second appeals in the past.
2. In agreement with Article 28 of the Church Order, no other assembly is established besides the three agreed upon there.
3. Only ordained office-bearers deal with the appeals.
4. By using the appeal church system the least number of office-bearers that may subsequently be appointed to a General Synod have also become involved with the matter.

We have given these proposals in the order we think to be most logical and acceptable. We see that the advantage of proposal one is that in agreement to the *Church Order* matters move from minor to major assemblies. The advantage of *proposal two* is that this way the least number of office-bearers (in particular ministers) would have dealt with a matter that may also be delegated to Synod. We added the third proposal as the only way we see possible within the strict confines of our mandate.

Humbly submitted:

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