THE JOURNAL OF THE WELLINGTON THEOLOGICAL CONSORTIUM

# SomeThink!

# <sup>3</sup> Uncertainty and Theology



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Members of the WTC planning the first issue of this zine. Maya Bernardo, David Wardle, Lyall Perris, Peter McKenzie

# **Member organisations of WTC**

The Wellington Theological Consortium (WTC) was established by the Wellington Institute of Theology (Anglican), Wellington Catholic Education Centre, Booth College of Mission (Salvation Army), and were later joined by Wellington Pacific Bible College. The purpose of their partnership is to advance the intellectual exploration of Christian faith and mission.

### **Booth College of Mission**

The Salvation Army Training College was established in 1913. In 1982, it moved from its Aro Valley site in central Wellington to Trentham. Booth College of Mission is registered as a private training establishment with the New Zealand Qualifications Authority. In 1999, The Salvation Army and the Laidlaw College Inc. (Laidlaw College) signed a partnership agreement whereby students taking courses at BCM would receive credits towards Laidlaw College awards. In January 2002, the college was renamed The Salvation Army Booth College of Mission. It consists of the School for Officer Training, the School of Bible and Mission, the Centre for Leadership Development, Youth Mission Training and an on-site Early Childhood Education Centre, William Booth Educare. The School for Officer Training (SFOT) provides training for all who respond to the call to serve as officers of The Salvation Army, offering training tailored to the individual's needs. The School of Bible and Mission (SBM), in partnership with the Laidlaw College, is open to anyone who wishes to pursue courses in biblical, ministry and mission studies. Diploma and certificate courses are accredited with the New Zealand Qualifications Authority in partnership with Laidlaw College. The Centre for Leadership Development (CLD) offers a full curriculum of workshop based learning experiences aimed at developing the leadership skills of all who hold leadership and ministry responsibilities within The Salvation Army. For further information visit www.salvationarmy.org.nz/boothcollege or email bcm@nzf.salvationarmy.org.nz.

### Catholic Theological College - Te Kupenga

The Catholic Theological College - Te Kupenga is the sole provider of Catholic theological, ministry and religious education qualifications in New Zealand. It serves a Catholic community of more than 470,000, with 237 Catholic schools that teach 70,000 New Zealand children. Their core task is to provide students with the knowledge, understanding and skills necessary for ministry in the Catholic Church of Aotearoa New Zealand and teaching Religious Education in New Zealand Catholic schools. It is the successor organisation to Good Shepherd College and The Catholic Institute (formerly Wellington Educational Centre). The resources and experience of these two institutions are now combined in a single tertiary provider aimed at the formation of ministry and leadership. Its main campus and library is in 40 Vermont Street, Ponsonby, Auckland. It maintains an office in Wellington at 15 Guildford Terrace.

### Wellington Pacific Bible College

Wellington Pacific Bible College was established in 2006 to provide biblical instruction, language learning and life skills training for Pacific communities in the Wellington area. Currently, courses are offered using English, Samoan and Tongan languages. A new development is courses are additionally being offered in Mandarin and Ethiopian (Amhara) languages. WPBC is based in the Lifepoint Building, 61 Hopper Street, Mt Cook, Wellington. For further information visit www.pacificbiblecollege.ac.nz.

### Anglican Diocese of Wellington

Wellington Institute of Theology no longer exists. Anglican connection with WTC is maintained through Archdeacon Gendy Thomson and Rev Lyall Perris, who is the current chairperson of WTC Council.









# **Uncertainty and Theology**

# How can we relate to God within the uncertainties of our lives?

### Lyall Perris



We are living in a strange and unusual period of time, which many of us are not accustomed to. Since at least 1970 we have been living in a world of comparative peace and security. Then the world began to face the threat of Covid-19. In 2020 we found ourselves locked down, unable to meet one another except in tightly prescribed circumstances, fearful of catching or spreading this new and little-known disease. We did not know how easy it might be to catch it from another person, or what should be done to avoid it, so we stayed away from one another.

We learned strange lessons: do not go shopping except for essentials, do not visit one another, live within "bubbles", do not go to school, do not go to work but work from home. We compared notes on masks, and what was meant by deep cleaning.

The long-term implications of these lessons are still being played out.

Online shopping has received a boost, while the number of people seen shopping in the city has dropped. Inner-city retailers are unhappy but some suburban shops are experiencing a minor boost.

Schools are reporting a decline in regular attendance, but no one yet knows how this might continue into the future. Will truancy approved by parents become a trend? Perhaps we will find some communities starting to treat school as an optional extra.

Employers have discovered that many employees actually like working from home, and can be trusted to do productive work there, as long as they have the

tools to do their job. Some parts of the public service are now finding it difficult to get their staff to come into the office for more than two or three days in the week.

Auckland, our biggest city, has experienced rain and flooding at overwhelming levels. Small communities in Bay of Plenty and Hawke's Bay are still cleaning up and will take years to recover. With climate change in mind, weather experts predict more of the same. Politicians and civic leaders are starting to include the words "managed retreat" when talking of the future.

Meanwhile Covid-19 continues its insidious march into NZ communities, infecting some of those who have avoided it up to now (eg some teachers), and reinfecting others. Left behind is a mixed collection of folk with varying degrees of "long Covid" for whom the effects last a long time.

While I have been thinking about these issues, I have also been reading about peasant life in a village in the south of England in the early 1300's. ▶

◄ Climate was becoming unreliable. What is known as the Great Famine took place in 1314-16. Because of heavy constant rain, crops rotted in the ground for 2-3 summers. Summers were becoming shorter, and harvests were severely reduced. People survived with poorer nutrition, and some died of starvation. Europe was entering a period of colder weather which lasted about 500 years.

On top of this came the Great Plague of 1346 onward. At least one third of the population of Europe died before the waves of infection stopped.

The combination of weather and plague over about fifty years brought about extraordinary change in the lives of ordinary people. The most obvious impact was that there were fewer people alive to work the land, with a resulting increase in demand for their services.

The lives of older folk among us have been marked by the years 1930 to 1950: years of the Great Depression, and the 2<sup>nd</sup> World War and its aftermath. This was a time of ongoing struggle to survive. Few people had any idea of how the depression might come to an end, and when the war would finish. They learned how to 'make do'.

Baby Boomers (born 1946-64) have a very different shared experience. They grew up in a time of increasing prosperity and increasing opportunities for education and employment, and vastly increasing technological innovation. They have lived into and brought about the computer age.

Generation X (born 1965-79) were present for the inception of the internet and video games. In their youth and young adulthood the world was one where international travel was inexpensive, entertainment could come from anywhere, and be provided via a mix of media. Employment might be found anywhere. They have inherited what their parents and grandparents had worked for.

A 2022 survey reported that financial anxiety is high among Millennials (born 1981 – 1996) who were calling for more purposeful – and flexible work. They were also concerned about mental health in the workplace. They have experienced a time in NZ of growing casualisation of the workforce, high immigration, and rapid increases in the cost of housing.

For millennials the world in which they find themselves is the one they know. Others can tell them what the world was like in the past. Their world is the current one of terrorists and Tinder, fake news and megabillionaires, expanding choices and contracting



opportunities; where being a barista or an influencer or a sex worker are genuine occupations, and owning your home is a distant dream.

Pliny the Elder who died in Pompeii during the Vesuvius eruption of 79AD is quoted as saying 'the only certainty is that nothing is certain'.

The evidence is all around us, that God is an active and imaginative creator. Scientists are discovering new life forms thousands of metres beneath the ocean, and in the unwelcoming environments of active volcanoes. God seems to be at home in an environment of ongoing change.

In Scripture we can find pointers for developing an attitude towards change. Jeremiah, for instance, lived through a tumultuous period in Jewish life. Jerusalem had been under siege by the Babylonian armies. The city eventually fell and was destroyed, but before that happened Jeremiah bought land, as a sign of his hope that there would be a future for Jerusalem. Hope is a pointer ahead, in the midst of change

For several years I used to lead a New Year's Day church service, in which a common theme was that few people could have predicted what had happened to them during the past year. That there was always an unpredictable future ahead for everyone.

So perhaps this is the foundation for what might be said. We cannot know the future. But we can relate to God, in hope, while living without certainty.

Whether during the famine and plague years in southern England during the 1300's, or in NZ during the depression and world war, or during our present time, the contributors to this e-Zine offer their thoughts on theology and uncertainty.

# Financial Security in Uncertain Times

# Why Christians should save for retirement

### Margaret Bearsley



### Introduction

The 'vibe' in the social-commentariat is that investing is kind of evil or at best unsavoury. Even in everyday parlance in New Zealand, if the news media are anything to go by, people seem to think that negative terms such as 'greedy shareholders' and 'fat cat investors' are tautologies. But in truth the financial markets are one of the goods of creation.<sup>1</sup>

Many of the amazing benefits we in the 'Western' world, and here in Aotearoa New Zealand, enjoy are underpinned by globalisation, the financial markets, and the relative geopolitical stability world-wide that has been in place since the second World War.<sup>2</sup>

That is not to say there is no poverty in New Zealand; of course there is poverty. But the OECD measure for poverty is more about *equity* and the distribution of goods between people (poverty here is measured as having less than 50% of the median equivalised disposable household income before deducting housing costs),<sup>3</sup> Thinking in absolute terms, however, "[h]istorically speaking, we live in an embarrassment of riches and peace."<sup>4</sup>

Being able to flick a switch or turn a tap for, respectively, light or water is so ubiquitous that it does not make us feel rich. Accessing the internet for all the information in the world is so readily available that it is like light or water—just there. Yet as recently as 250 years ago, even the super-wealthy had no instant access to light, heat, or cooling, and most people had no internal plumbing in their houses.

There is nothing wrong, and everything right, with having access to the basic goods of the world. The moral question is: How are the goods shared and sustained?

As already noted, the financial markets are part of God's good creation. Since the morality of having access to other sophisticated goods such as modern healthcare and education is accepted, let's accept the morality of having access to the benefits provided by the financial markets. ►

#### ◆ Christians should save for their retirement

Saving for our future wellbeing is good and right. But it can seem hard for Jesus' followers to reconcile Jesus' focus on the Kingdom of God, which is not of this world, with saving in order to provide financial security for ourselves in this world.

The not-of-this-world focus is typified in Matt 6:19-21, 24: the injunction against storing up treasures on earth, and the impossibility of serving two masters, God and wealth. There are many similar logia of Jesus throughout the Gospels. These, coupled with Jesus' option for the poor,<sup>5</sup> can create a sense of 'sinfulness' or failure of discipleship if I worry about having financial security.

But saving for retirement requires (apart from the resources and self-discipline to do so), a certain 'faith' in the Government, that the superannuation savings system will be well-regulated so that my hard-earned savings are unlikely to be stolen or defrauded, coupled with a certain 'fear' of the Government, that a pension scheme either will not be available to me by the time I retire, or, if it is, the amount available to me will not be sufficient to meet all of my needs plus some spare for helping others, and for entertainment, travel maybe, and a little comfort. At the time of writing, both these propositions are reasonable to hold. So, it is prudent to save now for my future wellbeing.

To overcome the first issue, a mature Christian attitude can help us to find a 'right' way to think about (and act upon) saving for our retirement. That is, to enjoy the blessings of goods and of wealth without being addicted to them, requires detachment.<sup>7</sup>

It is about having the right centring of our lives; it is about on what (or better, on Whom) we centre our lives. Christians are to centre our lives on the Lord.

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### Detachment is the key

For the Christian, then, detachment from the goods of the world is the key to both living *in* the world, and not being *of* the world (Jn 17:14-18). I can be prudent and join a KiwiSaver or superannuation savings scheme, without becoming addicted to needing more and more money; without centring my life on money and on saving up for myself treasures on earth.

Finding the right centre is summed up in Bishop Robert Barron's commentary on Matt 6:33 (seek first the kingdom of God and his righteousness and, the world's goods will be given to you as well): "What must always come first is our radical trust in the Lord, our surrender to his will and providential purpose. Within that context, we can indeed seek after the goods of the world, but spiritual sickness comes when we invert the relationship."

Having the right centre, then, is seeking first to do God's will. Our attachments, whatever they are, keep us focused on ourselves, and this prevents us from seeking first to do God's will. To discern and follow the will of God, we must be detached from whatever the thing is that preoccupies us.<sup>9</sup>

So, love God, and let money serve you. Discern God's will for you. It *might* be to live a prophetic and radical life of poverty in, say, a religious community. On the other hand, choosing poverty as part of *my own* programme of socio-ethical perfection may be sinful pride: look at me, I'm a radical!<sup>10</sup>

What does Scripture tell us about money and saving?

Setting our hearts on the Kingdom, and having our spiritual treasure 'there', 11 does not mean having a naïve approach to life and taking no care of our future security. A wrong approach is described in the parable of the Rich Fool—the landowner with the plentiful harvest Lk 12:16-21. He was already well off. Instead of sharing God's bounty to him when his silos were already overflowing, he made a huge investment that would enable him to keep the great abundance to himself. Then he died before he could enjoy it, the fool!

A right approach is described in the parable of the Talents a little further on in Luke: 19:11–27. The feared owner requires his servants to do business with his capital in his absence; two make a return on their investments, and one fails to invest. In our faith, there may be condemnation for clinging to the little we have and not seeking to grow it. The moral in the context of this article? There is no virtue in choosing not to save. ▶

■Thinking of the two parables—the Rich Fool and the Talents—our capabilities, intelligence, physical and mental strength are all gifts; they all stem from God's love and goodness to each of us. As stewards of these gifts, we have something of an obligation to invest, on behalf of our Master, the Lord of our lives. Unlike the Rich Fool, we should strive to become Rich Wise Ones, and having worked (if we are able to) and saved what we can, we are then required to share our good fortune with others (1 Tim 6:17-19).

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### Conclusion

There may always have been a propensity in Christians to adopt a negative attitude to their future security. Paul highlights that God expects every Christian who can work to do so (1 Thess. 4:11–12), and abandoning work in favour of living off the work of others is unacceptable (1 Thess. 5:14). <sup>13</sup>

Yes, the Gospel warns against riches (Mt 19:23; Lk 16:19) and the Pastoral Letters warn against the love of money (1 Tim 6:10), but the warnings are about where our lives are centred—money itself is not bad. And while God clearly has a special love for the poor, that precisely does not mean that *being* poor should be our goal.

1 Timothy 6:17-19 focuses not on avoiding becoming wealthy or secure, but rather on the right attitude of those who have wealth: "Warn those who are rich in this world's goods ... that they are to do good, and be rich in good works, to be generous and willing to share – this is the way they can save up a good capital sum for the future if they want to make sure of the only life that is real."

The problem, then, is not being rich. It is in setting one's hopes on money. A life spent in contributing one's education and effort to society through working, and saving for emergencies and for the future years when no longer earning money, makes possible the ability to be generous to those in need both now and in the retirement years.





### Regaining Our Humanity

### David Wardle



In their book *The Coddling of the American Mind How Good Intentions and Bad Ideas are Setting Up a Generation for Failure*, Greg Lukianoff and Jonathan Haidt highlight the notable rise in the rates of depression and anxiety among American adolescents known as iGen.<sup>1</sup> They quote Jean Twenge a social psychologist at San Diego State University whose research suggests that the social life of the average American teen changed substantially following the introduction of the i-phone in 2007 and the proliferation of social media platforms since then.<sup>2</sup> Over this time, they state, social media companies have 'become more skilled at grabbing and holding "eyeballs" ... and social media grew more and more addictive'. In short, they argue, that the iGen generation is the first group of young people who have spent their formative years immersed in the 'giant social and commercial experiment of social media'. They ask, 'what could go wrong?' Meanwhile in a 2017 interview, Sean Parker the first president of Facebook, is quoted as saying, 'God only knows what it's doing to our children's brains'.<sup>3</sup>

The book goes on to dig deeper into Twenge's research data and analysis noting the following:

- Digital media use and mental health problems are correlated: they rose together in recent years.
- There are just two activities that are significantly correlated with depression and other suicide-related outcomes: electronic device use (such as a smartphone, tablet, or computer) and watching TV.
- Less than two hours a day seems to have no deleterious effects, but adolescents who spend several
  hours a day interacting with screens have worse mental health outcomes than do adolescents who use
  these devices less and who spend more time in face-to-face social interaction.
- There are five activities that have inverse relationships with depression: sports and other forms of
  exercise, attending religious services, reading books and other print media, in-person social
  interactions, and doing homework.
- Girls may be suffering more than boys because they are more adversely affected by social comparisons
  by signals that they are being left out, and by relational aggression, all of which became easier to enact
  and harder to escape when adolescents acquired smartphones and social media.<sup>4</sup> ►

■ The effects of smartphones and social media are complicated, involving mixtures of benefits and harms depending on which kinds of young people are doing which kinds of online activities instead of doing which kinds of offline activities. One factor that is already emerging as a central variable for study is the quality of a teenager's relationships and how technology is impacting it. Social psychologists Jenna Clark, Sara Algoe, and Melanie Green offer this principle: "Social network sites benefit their users when they are used to make meaningful social connections and harm their users through pitfalls such as isolation and social comparison when they are not."

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According to psychotherapist Michael Hausauer, 'constant communication makes you anxious, especially if you monitor emails, text messages and status updates as closely as the average teenager.' A Stanford study found that the digital generation is learning to socialise differently. Researchers discovered 'students prefer to text a classmate down the hall in their dormitory rather than talk in person, because it is "less risky" and "less awkward". So, they do not learn how to read facial expressions or navigate "real world" social situations.<sup>7</sup>

Paul Kendall argues that the digital age has 'already changed the way we shop work and play' but goes on to assert that our brains are being rewired.<sup>8</sup>

An increasing number of studies are showing that the internet is addictive. One by the Chinese Academy of Sciences in Wuhan demonstrated brain changes in heavy web users like those hooked on drugs or alcohol. Prof Gunter Schumann, chair in biological psychiatry at the Institute of Psychiatry at King's College, London, said similar findings have been found in video game addicts. Quoted by the BBC, he says that studies are showing 'changes in the neuronal connections between brain areas as well as changes in brain function in people who are frequently using the internet or video games'. <sup>10</sup>

Johann Hari claims our ability to pay attention is collapsing. "Constantly switching from device to device and tab to tab is a diminishing and depressing way to live'. He lists eleven causes of this change in the way humans think, including:

- the rise of technology,
- the collapse of sustained reading,
- a surge in stress,
- deteriorating diets and

the confinement of our children both physically and psychologically.<sup>11</sup>

The last statement reflects the thinking of Lukianoff and Haidt who argue that 'safetyism' is running rampant in our culture. The desire to protect young people from a dangerous world leads to a stultifying mollycoddling and a demission of resilience both in terms of the physical world and the life of the mind. Playgrounds and University lecture halls must be 'safe places' according to this philosophy. But preventing children from climbing tall trees or playing bullrush in the playground or silencing the viewpoints of people we may disagree with to protect the 'fragile' young minds of university students is counter productive and contributes to the problem in their view.

The use of devices and social media is not going away. Our lives are becoming algorithmically driven in ways we often can't discern, and therefore can't avoid. Indeed, we are faced with ever evolving artificial intelligence (AI) technologies that will likely make the online environment even more ubiquitous and embedded in everyday life.

Even as this paper was written there has been a deluge of applications designed to make us more efficient and creative. This ranges from apps that take text prompts and generate art to the controversial ChatGPT which can write a convincing university level essay in few seconds. These innovations raise serious questions about originality, plagiarism, and misinformation.

Dave Moskovitz describes ChatGPT and its competitors as:

- Dunning Kruger machines,
- plagiarism engines,
- auto-correctors on steroids,
- bogus citation creators, and,
- bullshit generators.

Indeed, according to Moskovitz's presentation to ITENZ earlier this year, ChatGPT 'is more of a bullshitter than the most egregious egoist you'll ever meet, producing baseless assertions with unfailing confidence because that is what it is designed to do'. 12

All this is virtually unregulated, and largely at the whim of impulsive and very wealthy technopreneurs. It is foisted on an unsuspecting public and like a tsunami is emerging at an alarming and relentless



pace. Regardless of whether we consider them crazy, naïve, or visionaries, we have a right to know their plans and be able to rebut them.

This then is the world our young people face. One might feel the immediate urge to ban the technology, but that horse has long since bolted. In the 1950s science fiction writer Vernor Vinge popularised the term 'technological singularity' a point at which humans and machines are no longer separable, whether due to dependency on technology we just can't shake, or physical enmeshment. While it seems certain that the former is true, Al-driven breakthroughs in biotechnology are allowing increasingly sophisticated connections between minds and machines, to the point where some futurists predict it could lead to intellectually augmented people – something akin to the Nietzschean Übermensch. <sup>13</sup>

How then do we prepare our young people for the realities of living in this environment? What skills, attitudes, competencies can we help them develop so that this technology can be embraced and purposely used? How is the technology embraced in way that helps our young people become resilient to its negative impacts? What might our Christian faith

traditions offer in this regard?

We could return to the work of social psychologists Jenna Clark, Sara Algoe, and Melanie Green and their principle that social network sites benefit their users when they are used to make meaningful social connections and harm their users when they are not."<sup>14</sup> Match this to the findings of Twenge and the remedy to the harmful effects of technology usage lies in the benefits of interpersonal social contact, embodied engagement with the real world, the physical use of our bodies and the connection to collective human culture and specifically participation in faith communities.

In a recent seminar organised by the Wellington Abrahamic Council, Sheikh Rafat Najm argued convincingly that encouraging young people to 'dirty their hands in the earth' was an initiative well worth pursuing. Planting trees in the local community was the Muslim community's way of helping their young people off their beds and out of their darkened rooms into the physicality of the real world and the benefit of collective purpose. ¹⁵ As a keen gardener myself I appreciate the regenerative effects of interacting with the soil. ▶

### ■ But embodiment in the world can be met in a myriad of ways:

- •Through craft creating and making useful objects to enrich the lives of others.
- •Through music mastering a real instrument and sharing your talent with others.
- •Through tinkering learning how things work and fixing them.
- •Through play in the fresh air with others
- •Through sport testing yourself against another team or reaching personal goals.
- •Through activities like tramping, swimming, walking, cycling, and fishing.
- •Through challenge engaging in well manged risk like yachting or abseiling.
- •Through learning reading books and seeking the knowledge of experienced others.
- •Though living with animals enjoying the friendship of a dog or raising chooks.
- •Through acts of kindness by helping our neighbour.
- •Through contributing to community by volunteering or participating in a good cause like planting trees or cleaning up a beach.
- •Through going to church and following the teachings of Jesus!

The remedy lies at the end of our collective noses and have always been there. However, our society has not valued them for what they bring to the development of our essential humanity. They have been placed second best to the pursuit of other values, more specifically monetary wealth, and personal possessions. The challenge then is to bring these things to the centre of human development and give them the status they deserve. Our survival as a functioning civil society may depend on it.

So, this is what I suggest is needed.

We refocus our education system (and our church programmes) to provide more opportunities for our young people to experience the physicality of the world and the benefits of collective effort.

Forget the mollycoddling! We encourage our young people to challenge themselves just beyond what they can comfortably achieve already and introduce them to well managed risk.

We help our young people to 'understand self and understand others' and in that knowledge learn to be more graceful to and forgiving of each other.

We teach our young people the art of inquiry so they can learn to discern what is true or at least credible. Above all we teach them how to ask questions and to interrogate ideas – even the ones we might think are harmful. Otherwise, how will they know who is worth listening to and who is not?

I will leave with this well-loved passage from Philippians 4: 8 (NIV)...

Finally, brothers and sisters, whatever is true, whatever is noble, whatever is right, whatever is pure, whatever is lovely, whatever is admirable—if anything is excellent or praiseworthy—think about such things.



# Pastoral Leadership in a time of global pandemic (2020 – 2021)

### Joe Green



In the Book of Acts 2:42-47 we read:

"They devoted themselves to the apostles' teaching and to fellowship, to the breaking of bread and to prayer. Everyone was filled with awe at the many wonders and signs performed by the apostles. All the believers were together and had everything in common. They sold property and possessions to give to anyone who had need. Every day they continued to meet together in the temple courts. They broke bread in their homes and ate together with glad and sincere hearts, praising God and enjoying the favour of all the people. And the Lord added to their number daily those who were being saved".

While Luke might well be describing a somewhat aspirational lifestyle, there is much in this that we can draw on to describe pastoral leadership in a global pandemic, particularly in Wellington South. I was the Lay Pastoral Leader in the Catholic Parish of Wellington South from February 2016 till February 2022. In late 2019 it was apparent that the world was heading toward a global pandemic, the likes of which had not affected Aotearoa New Zealand since the 2018 influenza pandemic. By March 2020 the country was in lockdown, and remained under public health controls for the remainder of 2020 and all of 2021. In what follows I outline just some of what pastoral leadership during this time looked like. ▶

# ■ Reaching out across a digital divide – while retaining a people focus

"They devoted themselves to the apostles' teaching and to fellowship".

- Several parishioners were caring for sick and/or dying family. Their concern was that the priest was suddenly not available. Early contact with parishioners using You Tube (<a href="https://youtu.be/u03FCx4Wxuc">https://youtu.be/u03FCx4Wxuc</a>).
- A team effort. The team at the outset included the priests I worked with, our parish secretaries and a core group of dedicated parishioners, including leaders in the Pasifika community. The key concern at the earlier stages, when in total lockdown was that people might become isolated.
- The parish database needed a good "scrub".
   Between the secretaries and parishioners this was carried out at pace.
- We encouraged people to make contact with the people in their own networks. Privacy constraints meant that we felt we could not share the database among a group and systematically phone people. We also made contact with some we knew lived alone: widows, widowers and single people. We knew of several people who lived in any one of the several boarding house in the area. Finding just which one and then making contact had me drawing on my experience as a police officer.
- We found no one who was not connected in some way with at least one other: in one case two older widowers had formed a "bubble", and in another an older woman described receiving offers of help – she was already well connected within her own family. The Pasifika community had established their own contact tree.

### Food security an immediate priority

"They sold property and possessions to give to anyone who had need. ... They broke bread in their homes and ate together with glad and sincere hearts."

- Food security was an issue, particularly as adult family members had moved back in with parents
   and siblings, creating family "bubbles".
- Foodbanks were considered an "essential service" and were still operating. We contacted one of the foodbanks.
- The parish made a cash donation, sufficiently large that we had no hesitation in directing those with food security needs to them.

# Gathering, fellowship, and prayer during lockdown

"They devoted themselves to ... fellowship, ... and to prayer."

- When we could not gather as a faith community a group of parishioners decided that rather than passively watch a minister lead a service on line, they would organise a more interactive on-line service.
- Each week as many as 80 people, including families, would join in these services. We listened to scripture, sang, prayed and heard some really amazing sermons from some highly qualified and competent people who might not get the opportunity to preach at a live service.
- Women took the lead. The inclusiveness and quality were such that an added expectation was placed on our all-male clergy when we emerged from lockdown.

# Meeting online – identifying those in need – the pain of the mandates

"Every day they continued to meet together in the temple courts."

- It was the conversation shared by the core group of seven or eight on-line worship that I found of real benefit in terms of pastoral care. This conversation was all about meeting the needs of the vulnerable in our community.
- A list of 28 people we knew to be vulnerable due to age or life circumstances; key contacts in the Pasifika community; and those we had not seen or heard from. On more than one occasion a "I think they might live at (address)" enabled a person we had not heard from to be contacted (from my notes made at the time).
- During 2021 we entered the time of mandates, relating to both vaccine, controls on numbers gathering and the requirement to maintain distance when we did gather. This was a time of measuring church capacity, counting numbers, sanitising on entering and leaving the church, mask wearing and meeting the needs of those who were opposed to the mandates.
- Many families had members who refused to comply with the vaccine mandate in particular, and church communities found it painful when one of their members walked away from the church, some feeling that the church community had denied them, somewhat as Peter had denied Jesus.
- We offered a weekday service for those who preferred not to be vaccinated. A small number attended. Looking back, it all seems surreal!

# Vaccines – getting the percentages across the line – a Government/community partnership "And the Lord added to their number daily those who were being saved".

- Along with wearing a mask, being vaccinated is a first line of defence in reducing the impact of covid.
- Significant populations living in areas of deprivation were not vaccinated.
- We were able to identify just where our efforts to get people across the line should be focussed.
- We partnered with a local Pasifika church, which had the facilities to host the "festival" style vaccination events that were so helpful in meeting the need. It was hard work, but it was real fun. Interestingly, the Pasifika arm of the health authority put on a thank you lunch for us!
- The parish "covid group" lobbied with the Ministry of Health and the DHB to get mobile vaccination clinics and door knockers into these areas of deprivation, particularly where they were centred on large blocks of social housing.
- There were days we just walked down the shopping street inviting people to come join us at the vaccination event.
- Our efforts paid off, with percentages vaccinated at high levels.

### In Summary

- The pastoral response brought the best out in people.
- Communication went up as we tried to make contact with those we thought might have a pastoral need.
- I worked with people I might not usually have had the opportunity to work with.
- People made real effort to reach out to others.
- I made friends in communities I would not otherwise have made friends with, and I got to have a really good look at the very fabric of the Wellington South community.
- People opened their hearts and their wallets to help others.
- We learnt to celebrate our faith on-line in a very active and interactive way
- We felt the pain of those who preferred not to be vaccinated. That pain endures, for them and for us.

Finally, while I stopped recording my work hours, or trying to work anything like a structured day, looking back the whole effort was intensely rewarding. It felt like real and necessary pastoral care, in a time of a global pandemic. ■



# Uncertainty about the ownership and management of water in New Zealand

# Thoughts on how to approach these questions

### Peter McKenzie



I have been brooding for some time on this question. It arises out of a troublesome issue in New Zealand in these uncertain times where a failure on the part of some local authorities to plan ahead for the water and wastewater demands of a growing population has created an alarming crisis which is not manageable by the defaulting local authorities from within their foreseeable budgets. Government's answer is its Three Waters scheme <sup>1</sup> under which the burden is shifted onto a national body so that the burden can be spread out over the whole community.<sup>2</sup> Not surprisingly small communities which have not had the growth of population which has created a crisis in larger centres, resent the loss of control and management of their own water resources and also resent having to carry some part of the burden for larger centres. This is important for our future in NZ because this is a potentially highly divisive issue for our nation and if this question is poorly handled the fallout could be painful.

### Water under the Treaty

When regard is had to the Treaty of Waitangi there is little question in my mind that, in view of past court jurisprudence and the approach in recent cases of the Waitangi Tribunal, water would come within the meaning of a *taonga* under Art 2 of the Māori version of the Treaty. I have found *Te Mātāpunenga* compiled by Alex Frame and others an authoritative and useful guide. In the discussion of the meaning of *Taonga* at p397, the learned authors cite Professor Bruce Biggs' Māori Dictionary and state:

"The basic meaning of the Māori word taonga is 'valuable material possession'. After discussion of common usages, the authors further state. 'However that may be, the word taonga was used to refer to a wide range of valuable possessions or attributes, concrete or abstract... There can be no doubt that 'o ratou taonga katoa', [wording used in the Māori version of the Treaty of Waitangi] can be taken in strict accordance with language usage, to include all material and cultural possessions: the phrase in fact incudes everything subsumed under words of the English [version of the Treaty] 'forest, fisheries and other properties'.

### The approach to ownership of water at common law

At common law, apart from some recognised exceptions, water is not the subject of ownership. The exceptions relate to the ownership rights of riverbank or lakeside owners, the rights to appropriate and use water, arising under agreement or statute, and rights to use water granted by statute. The most prominent way in which there might be individual rights over water is through the statutory power to regulate the use of water and to control pollution and protect the environment, conferred under Resource Management legislation<sup>3</sup>.

The absence of general ownership rights in water at common law means that water, like air and sunlight is not, in itself, an economically exploitable resource. In this respect the common law also denies any right to light and view<sup>4</sup>. This does not mean, however, that there is no opportunity to exploit an economically favoured position with a good view, or, in the case of water, exploit a site that provides ready access to water. Also, in the case of water, government or a local authority may have power under the authority of a statute to grant a licence to extract water and use it and a licence of this kind will have economic value. The ingenuity of lawyers is endless and in Wellington ways have even been found to take advantage of a City Council by-law to create a market for airspace to sell airspace to a developer planning to build a multi -storey building.

Until the Court of Appeal judgments in *Ngati Apa*<sup>5</sup>, the Courts in New Zealand were not prepared to apply the common law in determining disputes in relation to matters such as rights to the shores of rivers or lakes, called riparian rights, and claimed ownership of the foreshore, and denied any contrary place to tikanga (Māori customary title or law), or the Treaty, the high point in this respect being the Court of Appeal in *Re Ninety Mile Beach*<sup>6</sup> where North J stated:

"In my opinion it necessarily follows that on the assumption of British sovereignty – apart from the Treaty of Waitangi- the rights of the Maories (sic) to their tribal lands depended wholly on the grace and favour of Her Majesty Queen Victoria, who had an absolute right

to discard native title to any lands in New Zealand, whether above high water mark or below high water mark. But as we all know the Crown did not act in a harsh way and from earliest times was careful to ensure the protection of native interests and to fulfil the promises contained in the Treaty of Waitangi."

This position was displaced by the approach taken by the majority judgments of the Court of Appeal in *Ngati Apa* where Sian Elias C J questioned the correctness of *Ninety Mile Beach* and held that regard must be had to local circumstances including Māori tikanga and usage, unless such rights and interest have been extinguished as a matter of law<sup>7</sup>. Māori and the Treaty of Waitangi Tribunal have proceeded on the understanding that *Ngati Apa* has been accepted by the Crown as a proper declaration of the law and have left it unchallenged. Subsequent cases have significantly expanded the place of tikanga.<sup>8</sup> and have no doubt been properly relied on by Māori.

In my opinion litigation cannot provide an acceptable solution in relation to water. To hold that water were a valuable commodity capable of individual or group ownership, although it may provide economic satisfaction to Māori, would not only give rise to bitterness and increase the polarisation of our community, it would also be a denial of underlying Māori values. It would serve to import Pākehā notions of commercial exploitation into an area where even the common law, for the most part, has denied this.

# A suggested "better path" to follow than disputing ownership

I suggest that a better path to follow, and one more in accord with the better instincts of both communities, is to treat water as a valuable resource which transcends individual claims to ownership, and as a life sustaining resource is beyond ownership by any combination of individuals and should be placed in the ownership of an outside entity, beyond human appropriation, for the benefit of all. This concept was grasped in the case of the Te Urewera treaty settlement with Tuhoe. In that case New Zealand pioneered in a Treaty settlement the vesting of a disputed natural feature in a corporation for the benefit of all. It was recognised in that settlement and backed by Parliament that a natural feature such as a National Park, or river or mountain, can be vested in a corporate body, without a shareholding, owned by no individuals, but

administered by a representative trust board for the benefit of all. This settlement was followed by other settlements having the same conceptual basis, and in this way the Whanganui river was vested in a corporation.

Such a solution has the virtue of negating any conception of individual ownership with its capacity to be exploited by royalties or other forms of return so as to confer economic benefits on the owners. But at the same time it has the virtue of being established with a management board that can be set up so as to be a legal guardian, representative of all interests involved. This conception has been welcomed by Māori in the Urewera and Whanganui River cases because of the way in which it can attribute to the enduring entity, in which ownership is vested, the spiritual and cultural attributes associated with a natural feature, in the present case with the life-sustaining nature of water. A corporate entity has an indefinite life span and can continue inter-generationally, for as long as the resource endures, or until a decision is taken to dissolve it. This accords with the importance given by Māori culture to the giving of protection to a taonga such as water for the benefit of future generations. The vesting of water in a corporation is also consistent with the need to provide for a governance structure to regulate the use and allocation of water resources and to provide safeguards against pollution and ensure safeguarding of the water environment and can provide for the full engagement of Māori in this governance structure in line with their treaty partnership.

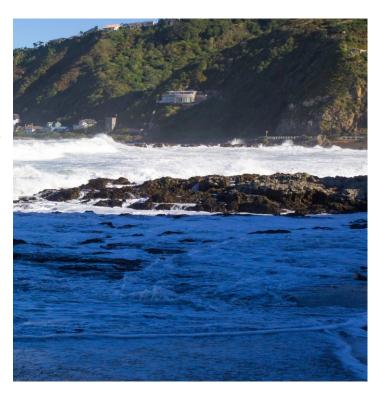
Some might suggest that the Urewera settlement is not the best precedent to cite for the use of the corporate form for a natural feature such as a National Park. I would not agree. The disagreement that has recently arisen, over the removal of back country huts, is the consequence of failure to provide adequate and clear protocols at the time the settlement was enacted. There was a great deal of good will between the parties at this time and that was the time for DOC to ensure that sound protocols and clear understandings for the future were in place.

There is precedent in relation to the First Nations in Canada for regarding water in the way I have suggested. In Ontario the First Nations resolved <sup>9</sup> to designate the Great Lakes as Living entities with endowed rights, citing as a precedent the New Zealand experience with the Whanganui River. The First Nations in Canada have also entered into a National Water Declaration that encapsulates the respect which indigenous peoples accord to water by stating in the First Article:

We the First Nations, were placed on this land by the Creator to live in harmony with nature and humankind. The Creator gave us our spiritual beliefs, languages and laws and cultures that teach us to respect, nurture and care for Mother Earth. Water is the lifeblood of the Earth, and we as First Nations recognise water as a sacred gift that connects all life.

All of this means that instead of litigation over water rights the Treaty partners should engage in negotiations to secure agreement on the way in which water can be vested nationally in a national corporate entity which reflects their aspirations for water and its protection. The present work towards a Three Waters national structure for water should facilitate this.

At this point the question arises whether resolving the ownership issue in the way I have suggested will not mean that the differences in approach in relation to water will be moved over to the thorny issue of comanagement or co-governance? There is no room in this article for these issues to be dealt with and they will need to await Part 2 of this article to the next instalment of this on- line journal..





# Looking to the Future

**Lyall Perris** opened *SomeThink!* with his thoughts on Theology and Uncertainty, and reminded us of the peculiar circumstances we all found ourselves in through 2020-2021, as we locked ourselves down during the height of Covid-19 infection: using a modern-day version of isolation to protect each other from this new and unknown form of contamination.

Some community and individual behaviours have undergone serious changes.

Lyall reminded us of the Great Famine in Britain in the early 1300's when crops failed and many people were malnourished or starved, and how this was followed shortly after by the Plague which swept Europe, and caused the deaths of millions of people.

Older people in our community grew up through some of the years of World War Two, and remember what their parents experienced as they raised their children into the post-war years. Younger adults have entered their own uncertainties as they seek meaningful employment in the 2020's.

People have lived through and survived periods of great uncertainty in the past, and are doing so again.

Margaret Bearsley is the Chief Executive Officer of Anglican Financial Care (the trading name of the NZ Anglican Church Pension Board), so it is no surprise to find her writing about the importance of financial security in uncertain times. We all rely on global and national stability and security for our financial futures. Margaret has no hesitation in declaring that stable financial markets are part of God's good creation. In terms of world history we must be thankful to God that we live in a comparative embarrassment of riches and peace. She comes down firmly on the positive side of saving and investing, and backs this up with a range of arguments from scripture. An essential part of a Christian attitude towards savings is detachment ie money is not an end in itself, nor are possessions. Savings, and saving schemes, are tools to provide for the needs of others, not just myself. Whatever may happen in the future, our lives as Christians are centred upon Christ, who is Lord of All, which includes money. Margaret has very sensible things to say about money.

There is nothing wrong with saving money, but the moral question is why we are doing this and what is intended for the savings. She contrasts the parable of the Rich Fool and the parable of the Talents, both found in the Gospel of Luke. In the first, the rich man, already

wealthy beyond measure, builds bigger barns to hoard a bumper crop – then collapses and dies. In the second parable three people are given money to use on behalf of their master. Two are commended because they increased their master's outlay, while the third does very little and is admonished.

Margaret suggests we should strive to become Rich Wise Ones, who become people who later in life are able to be generous.

**David Wardle,** retiring Academic Dean of Salvation Army's Booth College, brings observations about today's tertiary students in today's challenging times. He concentrates his attention on social media, and the connections between social media and the mental health of its users.

Citing US research, David notes that today's generation of tertiary students, who are typically aged 18-30 years, have spent their teen and young adult years soaking in social media. Coincidentally, they have also experienced rising rates of mental illness. There are significant correlations between suicide-related conditions and two factors: use of social media, and watching TV more than two hours per day.

The social media revolution is not going away, and it is accelerating rather than reducing. Several researchers have concluded that the internet is addictive. How do we prepare our young people for the realities of living in this new environment?

Here are David's suggestions:

Get outside. Refocus our education system (and church programmes) so that young people experience the physicality of our world and the benefits of collective effort.

Encourage and permit young people to accept challenges that are a little beyond what they think they are capable of doing. Let them take well-managed risks.

Teach them how to ask questions and how to interrogate ideas; and thus how to tell the difference between what is credible and what is fiction.▶

► Finally, brothers and sisters, whatever is true, whatever is noble, whatever is right, whatever is pure, whatever is lovely, whatever is admirable—if anything is excellent or praiseworthy—think about such things. (Phil 4:8)

Joe Green has reminded us of just how effective voluntary church communities can be in a time of social crisis, under committed leadership. From his perspective as the Lay Pastoral Leader in the Wellington South Catholic Parish, he has drawn out key messages about this parish's changed life during Covid-19 lockdown.

First, they created an extended leadership team, which went beyond existing leaders, to particularly include a core group of dedicated parishioners, mostly women. Their immediate action was to generate means of communication, making sure that everyone was connected with someone, while respecting privacy. Existing parish rolls could not be relied upon, but needed a lot of rapid, sensitive, and detailed detective work to 'clean' the roll and to trace and contact every person. The end result was a database of everyone connected with the parish, as accurate and as up-to-date as they could make it.

Most of us have forgotten what life was like during that period, but being confined to "bubbles" made life more difficult than before – shopping for other people, collecting and delivering prescriptions, learning the daily lessons of forgiving one another.

They had more than one way of worshiping as a community during lockdown. Some people were content to tune in to an online worship service, but the leadership learned that one size does not fit all. Other people preferred a Zoom-style meeting where they met with others in prayer and praise. Matters became more complex after gatherings in church buildings resumed, because some unvaccinated people could not attend.

Parish life continued, but it was different. And while the covid-19 crisis is largely over, some of that difference carries on. The parish is learning that it is not enough to try to go back to "life before Covid". The Covid experience has changed church life.

**Peter McKenzie is** in a unique position to preach truth to power, following the example of Matthew chapter 10. He is a highly respected and senior lawyer, and he uses his expertise within the language of this country's legal system to challenge how we are currently dealing with difficult questions about water.

Uncertainty about the ownership and management of water in NZ opens with a personal comment on the Three Waters scheme, which has led to much

controversy and disagreement through 2022-23. Peter is not afraid to head straight into a discussion of water and the Treaty of Waitangi.

In Peter's mind there is no doubt that water is a *taonga* under the Treaty, but under common law, water cannot be owned (apart from some recognised exceptions). In his view, water issues cannot be resolved by litigation. So where can we look to from here?

Peter believes there are better instincts in all communities that can be called upon, to agree on a solution. He proposes that the examples of the Urewera and Whanganui River settlements provide a way forward. Why not work with the Treaty partners to find a way to vest water in a corporate body, owned by no one, but administered by a representative trust board for the benefit of all? It can't be all that difficult, can it? What is needed is goodwill, and a willingness to seek to find a way through. As Christian readers, we can pray that the Holy Spirit may raise up people who can guide our communities through this fog of uncertainty.

Three of these papers in *SomeThink!* have been contributed by people working within Church organisations: a parish, a church pension society, and a church education body. It is easy to see their connection with a theology of uncertainty, because they are all working within Christian contexts. On the ground, they reveal how our God is at work among and within people on earth, as they use their energy and creativity in Christian service during uncertain times.

Lyall Perris offers some more direct thoughts on the theology of uncertainty. He offers the example of Jeremiah who during the time when Jerusalem was besieged bought land, and offered this as a sign of hope for the future of the city. So whatever the challenges we may be facing, our God holds out hope to his people.

There is a wider context to the final two papers, where Peter McKenzie leads readers into the controversies over the ownership, governance and management of water. We should remember that New Zealand legislation and the Treaty of Waitangi are built upon Christian principles. The Treaty is seen as a covenant with the Crown.

Much New Zealand law is drawn from British law which has Christian roots. As Rt Hon Sir Ken Keith said "I see the law as a wise restraint that makes us free – free so you can make your own decisions." In

reading this we hear echoes of Paul writing to the Galatians.

Freedom is what we have – Christ has set us free! Stand then, as free people, and do not allow yourselves to become slaves again.(Gal 5.1)

During times of uncertainty, the law can be seen as something secure, something to cling to. If we are unhappy about a proposal to change something, we may be able to seek an injunction to stop it. But the law is also society's backstop instrument to preserve and protect freedom and justice.

So we may turn to the law to appeal against unfairness, or the unreasonable exercise of official powers. We rely upon the underpinning Christian foundations of the law, which enable us to respond to the uncertainties we face in our present lives, as well as to unresolved tensions in society.

I have been thinking further about uncertainty and God, and I have been struck by the words of Jeremiah. During the siege of Jerusalem and the impending fall of the city he urged people to seek the welfare of

Babylon, where they would be exiled, 'for in its welfare you will find your welfare. .. I know the plans I have for you, says the Lord, plans for your welfare not for harm, to give you a future with hope'.

It is our hope in Christ that binds all the writers together. It is this hope that strengthens us as we meet challenges in our Christian organisations, and in the more general structures of our society.

On behalf of the Council of Wellington Theological Consortium, I thank all our writers for their energy and time, as they have brought their experience, expertise, and wisdom to the task of writing of their knowledge of living through uncertain times in the presence of God. We offer their contributions to you for your enjoyment.

### Lyall Perris (Rev)

Chair WTC



# **About the Writers**

### **Lyall Perris**



Lyall Perris began his life in education as a physics and science teacher. After a period in curriculum development he moved into the Department of Education and the Ministry of Education as an education administrator, finishing in 1996 as Acting Secretary of Education.

He was ordained an Anglican Priest in 1998 and has served in the parishes of Kāpiti and Tawa. He has a deep interest in theological education and currently chairs the Wellington Theological Consortium. Lyall's qualifications are in Physics, Philosophy, Education and Theology. He lives in Tawa with his wife Sally (who is also a priest), and they worship and volunteer in the Tawa parish.

# Margaret Bearsley BTheol. LLB



Margaret is CEO of Anglican Financial Care (AFC). AFC was established in 1972 to provide a pension scheme for the Anglican clergy of the Anglican Province of Aotearoa New Zealand and Polynesia. The Pension Fund is a keystone of AFC's mission and purpose, along with the Christian KiwiSaver Scheme (formerly called the Koinonia Fund) which has been operating since 2007. AFC also provides financial services to the Baptist Union and to other Christian organisations.

With an LLB (Hons 1st Class), Margaret's professional career has been focused in financial services from the regulatory side, having worked for 13 years at the NZ Takeovers Panel and at the Securities Commission before that. She is a practising Catholic with a BTheol from Otago University. Margaret is a candidate in the Wellington Diocesan Lay Pastoral Leadership programme Launch Out (currently in her fourth year). She is actively involved in Parish ministry, particularly the Rite of Christian Initiation of Adults (RCIA) which she coordinates in her Parish of Holy Trinity in Wellington.

### **David Wardle**

M.EdAmin (First Class Honours), B.Ed., Grad Dip Theo, DipTchg.



David has recently retired as the Education Officer for the School of Officer Training and the Academic Dean for the School of Bible and Mission at The Salvation Army's Booth College of Mission. In his 13 years at the college, he taught systematic theology, Christian leadership and directed the second-year officer cadet training programme. His particular interest is curriculum development and inquiry-based learning. David is a third generation Salvationist and is currently the Corps Sergeant Major (senior elder) and pastoral assistant to the corps officer at The Salvation Army Upper Hutt Corps (church). David graduated from Otago University and Dunedin Teachers' College in 1982, Massey University in 2007 and Laidlaw Theological College in 2014. He has served as a teacher and principal in primary schools in Otago, Southland and the Manawatu. David is married to Caroline and has three children and two grandchildren.

### Joe Green



Joe Green is a Lay Pastoral Leader working in the role of Director of Mission in St Francis of Assisi Ohariu parish. From 2016 to 2021 he was the Lay Pastoral Leader at the Catholic Parish of Wellington South. Prior to that he served in NZ Police for 32 years. He has been married to his wife Rosa for five years. He has three adult children, nine grandchildren and two great grandsons. He has a B.A. (Hons) in Sociology, a Diploma in Pastoral Leadership from The Catholic Institute, a Certificate in Catholic Youth Ministry, is a trained teacher, and holds qualifications in outdoor safety and adult training and education. He has written contributions to *Tui Motu* and *Cathnews*. He loves connecting with as many people as possible, working together to bring about God's Kingdom, that it might be "on earth as it is in heaven".

### **Peter McKenzie**



Peter McKenzie CNZM KC, is a Wellington Barrister who has also taken an interest in New Zealand's colonial history. Peter has operated in three branches of the legal profession, academic, private practice, and in public law (government service). He served 11 years in academia: Law School of the University of Leeds, UK, and then in the Law Faculty of Victoria University of Wellington. From 1976 to 1987 he practiced as a commercial and litigation lawyer in Wellington firms, and after 1987 practised on his own as a barrister (a KC since 2000). He served 9 years with the Securities Commission (5 years as chair until 1995); Service on the Transport Accident Investigation Commission (2015 -2018). Peter has also spent time as a consultant engaged by the Commonwealth Secretariat on company and securities law reform in several Commonwealth countries in Africa and the Indian Ocean and engaged by the New Zealand government in the Pacific area. Peter has also found time to take an interest in New Zealand history, particularly of the colonial period, and has published several articles in the Stimulus Journal.

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### Uncertainty about the ownership and management of water in NZ. Thoughts on how to approach these questions. Peter McKenzie.

#### **Footnotes**

- <sup>1</sup> The Prime Minister, Mr Chris Hipkins, soon after assuming office announced some changes to this scheme which included the addition of further statutory authorities so that it could now be called the "Ten Waters Scheme". However, the media an the public continue to refer to it as the Three Waters Scheme so I shall continue to use that terminology.
- <sup>2</sup> A useful description of the Three Waters scheme as it stood in February 2023 is given by Gillian Blythe in an NZ Law Society Seminar paper delivered at the CPD Wellington, In-House and Government, February 2023.

The common law position is summarised in Laws of New Zealand, Vol 30, Water, paras 39 to 45.

<sup>4</sup>Hunter v Canary Wharf Ltd [1997] A C 655, HL.

<sup>5</sup>Attorney- General v Ngati Apa [2003] NZLR 461, CA

<sup>6</sup>[1963] NZLR 461, at p468, per North J.

- The Court questioned and overruled the notorious judgment of Prendergast Cj in Wi Parata v Bishop of Wellington (1877) NZ Jur (NS) SC 72.
- <sup>8</sup> See also *Tákamore v Clárke* [2012] NZSC 116, and Peter Ellis v The Queen [2019] NZSC 49;.
- <sup>9</sup> Chiefs of Ontario, "Great Lakes as Living Entities", Resolution 26/19 June 2019.

### To the Reader

SomeThink! has been a long time coming. Now it needs to be read widely. We encourage you to disseminate it to anyone you believe will find it of interest.

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