

New Zealand Relationship Property Survey 2021

February 2022



Contents

| Section | Page |
|--|-------------|
| Some key findings | 5 |
| Message from the Family Law Section [NZLS] | 6 |
| Message from Grant Thornton New Zealand | 8 |
| Survey overview | 10 |
| Who we advise | 11 |
| How we practise | 14 |
| The practise of relationship property law | 23 |
| The Law Commission proposals | 24 |
| Relationship property hearing timeframes | 25 |
| Has Covid-19 had an effect? | 28 |
| Using forensic accountants | 31 |
| Survey responses by region | 34 |



Some key findings



Covid-19 played a significant part in this year's survey, as in every aspect of our lives over the last two years. The implications affected reasons for separating – and not separating – with far fewer couples citing extra marital affairs as a reason for separation, replaced by stress or family strains.



Relationship property pools advised on have significantly increased in value. This can be explained by periods of extraordinary increases in housing values and investment growth across the board. The great majority of asset pools fell into the \$1m - \$2.5m band.



Female practitioners increasingly outnumber males, and this gap is expected to widen. The split has widened further with over 70% of respondents being female, a division mirrored in NZLS Family Law Section memberships.



Relationship property lawyers continue to underestimate work volumes. Practitioners believe their workload will increase, but pressures brought about by Covid-19 lockdowns and other related relationship stressors may see a greater rise in relationship property work than anticipated.



More discounting and fixed fee arrangements are entered into. Most practitioners surveyed use a time, cost and discount billing method, with an increase in lawyers agreeing a fixed fee with clients. A corresponding decrease in flexible payment options was recorded.



Stress levels have increased for many practitioners. Changes in how practitioners work brought about by Covid-19 are no doubt a factor in the increased levels of stress reported. Many survey participants have utilised the resources available to them, particularly professional supervision, counselling, or the friends panel, to help manage their stress.



Opposing counsel continue to pose challenging issues for family law practitioners. Other than systemic delay in the Family Court which ranked first, dealing with unrealistic, aggressive or inexperienced opposing counsel came second, and non-disclosure of information third.



Use of section 15 more prevalent. Economic disparity remains a difficult issue with the methodology continuing to be uncertain, but the calculation has been simplified through *Scott v Williams*¹. This has led to a significant increase in use of forensic accountants for these calculations and a reduction in practitioners who consider this area problematic.



Hearing timeframes concerning with added delays caused by Covid-19 lockdowns. Court hearings on other matters were prioritised over relationship property disputes, resulting in fewer cases being filed and higher rates of settlement outside of the court system.



Long cause decisions taking longer. Most decisions are still delivered in under three months, but a growing proportion are taking more than three months. This could be attributed to under-allocation of judicial time to decision writing given the other obligations judges face.



Over a quarter of practitioners recorded difficulties achieving remote signing of section 21 or 21A agreements during Covid-19 level 3 or 4 lockdowns. This was presumably due to technical difficulties in a challenging environment.



Practitioners are in favour of a regime which would require the joint appointment of forensic accountants. Many of those surveyed indicated greater use of forensic accountants generally, and increasingly use a single joint forensic accountant, following the approach in the UK and Australia.

¹ *Scott v Williams* [2017] NZSC 185

Message from the Family Law Section

We are delighted that Grant Thornton has again joined with the New Zealand Law Society's Family Law Section to survey relationship property practitioners.



This survey is the third relationship property survey jointly undertaken and the data now available spanning six years will help the profession and the public understand developments in this area.

We thank Grant Thornton for all the hard work and funding this survey, and also those practitioners who took the time to complete the survey so that we have meaningful data for analysis.

The most significant event since the survey two years ago has been the global pandemic which has affected parties as well as lawyers. The impact of Covid-19 has provided a reason for separation for some couples (due to stress, financial pressures, or not enjoying more time together) as well as for some, a reason to stay together. In addition, domestic abuse was cited by 28% of respondents as a reason for separation, up from 22% in the previous survey. This may be a reflection of the increase in family harm which reportedly occurred over lockdowns or may be indicative of the endemic culture of family violence in Aotearoa.

In practical terms, lawyers have continued to provide advice and help clients achieve resolution during this period, with the majority managing remote witnessing of relationship property agreements, while just over a quarter had difficulties with remote signing.

While the average value of the relationship pool has increased exponentially, most likely in response to higher property prices and investment values, lawyers' fees have increased only slightly, and lawyers are still billing on a time, cost and discount basis as the most common billing method, with 38% offering payment options.

Women practitioners continue to outnumber male counterparts in family law with 71% making up the survey results (an increase of 8% in two years). While more women than men are now graduating from law schools, a far greater number of women than men are taking up family law. It is hard to determine what is driving the difference in gender split, but the loss of men creates a lack of diversity which can have a detrimental effect.

Family lawyers undertaking relationship property work are usually intermediate or senior and the statistics show that 29% of lawyers have been practising over 25 years. However, it is heartening to see more junior and intermediate lawyers taking up relationship property work.

While relationship property work can be very fraught for parties, it is surprising that there has not been a greater uptake of out of court alternative resolution options such as mediation or arbitration as these processes often provide swifter, more economic and satisfying outcomes for participants. Mediation can be particularly useful where there is some uncertainty about how the court may exercise a particular discretion or there is an area of dispute which is not strictly amenable to a judicial determination. In addition, mediation empowers parties to reach their own agreements in a way which allows them to have more control over the process than court.

While it is unsurprising that 56% of family lawyers have reported an increase in stress levels, it is good to see an uptake in professional supervision and counselling. This may reflect the Law Society's ongoing work and promotion of practitioner wellbeing.



A thorough reading of this survey and analysis will provide practitioners with good insight into their clients, trends throughout the country, and help reflect on their own practices including continuing education and stress management.

Once again, the Family Law Section thanks Grant Thornton for its continuing support of this research and looks forward to building on this survey data in a further two years' time.

Caroline Hickman
Chair, New Zealand Family Law Section

About the Family Law Section

The Family Law Section of the New Zealand Law Society has responsibility in all areas of family law. It has a strong, active voice in relation to such issues as Family Courts management, the independence of the Family Court, the practice of lawyer for child and other court-appointed counsel and education for family lawyers. It prepares all submissions on behalf of the Law Society in respect of the family law jurisdiction.

The Law Society established a family law committee in 1987 to advise it on matters relating to family law and the Family Court. In 1996, the committee put a proposal to the Law Society that a Family Law Section be formed to raise the profile of family law within the profession and to recognise the advancements of family lawyers.

The Law Society saw the establishment of the Family Law Section as an important development that would provide an opportunity for a greater flow of information about family law issues among members who could be directly involved in Family Law Section activities.

Currently the Family Law Section represents the interests of almost 1,100 members comprising family law practitioners, Family Court Judges, retired members of the judiciary and several academics whose primary area of interest and expertise is family law.

From its membership, the Family Law Section has an executive committee, an advisory panel, 35 regional representatives throughout the country, a national friends panel and an immediate responses team, all of which support its membership.

More information about the Family Law Section and how to join as a member [can be found here](#).



Message from Grant Thornton New Zealand

Grant Thornton New Zealand is delighted to again partner with the Family Law Section to support this third New Zealand Relationship Property Survey.



The accumulated results identify many areas of change in the practise of family law, and these are invaluable for predicting future areas of practise and improvement.

The 2021 survey is unusual in that it almost entirely covers the period of the Covid-19 pandemic. It is apparent that family lawyers have been busy but have coped reasonably well with the many changes required within their practices. It seems even busier times are ahead with the ramifications of Covid-19 related separations yet to be felt.

Of particular interest to me is the section on forensic accountants, last surveyed in 2017. A marked change in attributes required for forensic accountants is noted, with independence now almost equalling a good knowledge of relationship property law, followed closely by cost effectiveness.

The increase in the requirement for independence goes hand in hand with the additional finding that forensic accountants are now being instructed on a greater number of economic disparity calculations, and the majority of practitioners are in favour of a regime requiring the appointment of a single joint forensic accountant.

This change would bring New Zealand into line with the UK and Australia and likely result in many efficiencies in terms of time and cost saving.

Thank you to the Family Law Section for your contribution to the survey, and to the survey participants for providing valuable new information and insights to the practice of relationship property law. Thanks also to Caroline Hickman, Kath Moran and Kirsty Swadling for their considerable time and effort on this survey.

Jay Shaw

Partner, Grant Thornton New Zealand



About Grant Thornton New Zealand

The 2021 New Zealand Relationship Property Survey was carried out by Grant Thornton New Zealand and the Family Law Section of the New Zealand Law Society.

Grant Thornton New Zealand is regularly called on to provide advisory or expert witness services to assist lawyers, their clients and the court in investigating and understanding the financial aspects of relationship property matters. Our advice ranges from considering an individual financial issue to all financial aspects of a complex settlement.

Our services include:

- share and business valuations,
- financial investigations (including section 9A and section 44C analyses),
- taxation and personal financial planning, and
- section 15 (economic disparity) assessments.

Our clients are located throughout New Zealand and often hold assets and liabilities both here and overseas.

We frequently act as either sole-party appointed experts, single joint experts, or 'shadow experts' advising one party. We advise on a full range of resolution methods, including traditional litigation and alternative dispute resolution methods such as mediation. We have the experience to provide relevant and cost-effective advice to lawyers and lay clients.

We welcome the opportunity of a confidential, no obligation discussion on how we might assist on any relationship property assignments on which you are retained.

[More information can be found on our website](#), or contact Jay Shaw:

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Survey overview

Family lawyers were asked about issues and trends impacting both their practise of relationship property law and the people they advise.

The survey was open to all lawyers in New Zealand who undertake family law work. Given the survey topic, the primary survey population will be Family Law Section members practising in relationship property (around 850 members).

Ipsos, an independent market research organisation, conducted the fieldwork. A total of 275 practitioners² completed the survey, meaning findings are highly representative³.

Survey respondents were 71% female and 28%⁴ male, similar to the current Family Law Section membership mix (72%:28%)

In each geographic region the percentage of respondents broadly matched the percentage of both Family Law Section members and New Zealand's population

Figure 1: Region allocations by survey responses, FLS members and NZ population

| Region | % of survey respondents | | % of FLS members | % of NZ population |
|---|-------------------------|------------|------------------|--------------------|
| | 2019 | 2021 | 2021 | 2021 |
| Northland | 4 | 2 | 4 | 4 |
| Auckland | 37 | 31 | 32 | 33 |
| Waikato | 7 | 7 | 6 | 9 |
| Bay of Plenty | 6 | 8 | 5 | 7 |
| Gisborne & Hawke's Bay | 5 | 4 | 5 | 5 |
| Central North Island, Taranaki & Whanganui ⁵ | 3 | 4 | 6 | 5 |
| Manawatu, Wairarapa & Horowhenua | 3 | 5 | 4 | 3 |
| Wellington | 15 | 11 | 12 | 11 |
| West Coast, Nelson & Marlborough | 4 | 7 | 4 | 4 |
| Canterbury & South Canterbury | 11 | 16 | 14 | 13 |
| Otago & Southland | 5 | 7 | 8 | 6 |
| % of respondents | 100 | 100 | 100 | 100 |
| Total responses | 253 | 275 | | |

Responses by region to each survey question can be found on pages 32-34.

² 49% of whom completed the 2019 survey, the remainder were completing the survey for the first time.

³ The survey response rate resulted in an estimated margin of error of +5.49%. The margin of error tells us the amount of variation we expect to see in the results of sampling based on the population size, sample size and pre-determined confidence interval. This means that based on a sample of 275 responses from a conservative population estimate of 2,000 lawyers with 95% confidence, we expect a +5.49% variation in the sampling results either side of what was reported. In other words, the survey findings appear highly representative. Please note tables may contain minor rounding differences.

⁴ 1% preferred not to say.

⁵ No responses from Central North Island in 2021 survey, 2019 only.



Who we advise

We asked family lawyers about the people they advise in relationship property matters. Three key findings emerged.

The value of relationship property pools has escalated since 2019. This increase is likely due to the significant rise in property prices and investment values, and the two most common relationship property pool sizes in 2021 were between \$500k and \$2.5m.

Reasons for separating have changed dramatically. Apart from growing apart/falling out of love, extra marital affairs have decreased, and family strains and stress have increased as primary reasons for separation.

Covid-19 caused many couples to rethink their decision to separate. Having begun the separation process, 20% of couples decided to stay in their relationship, citing Covid-19 as the reason.

Covid-19 impacts appear to have been a contributing factor in many separations.

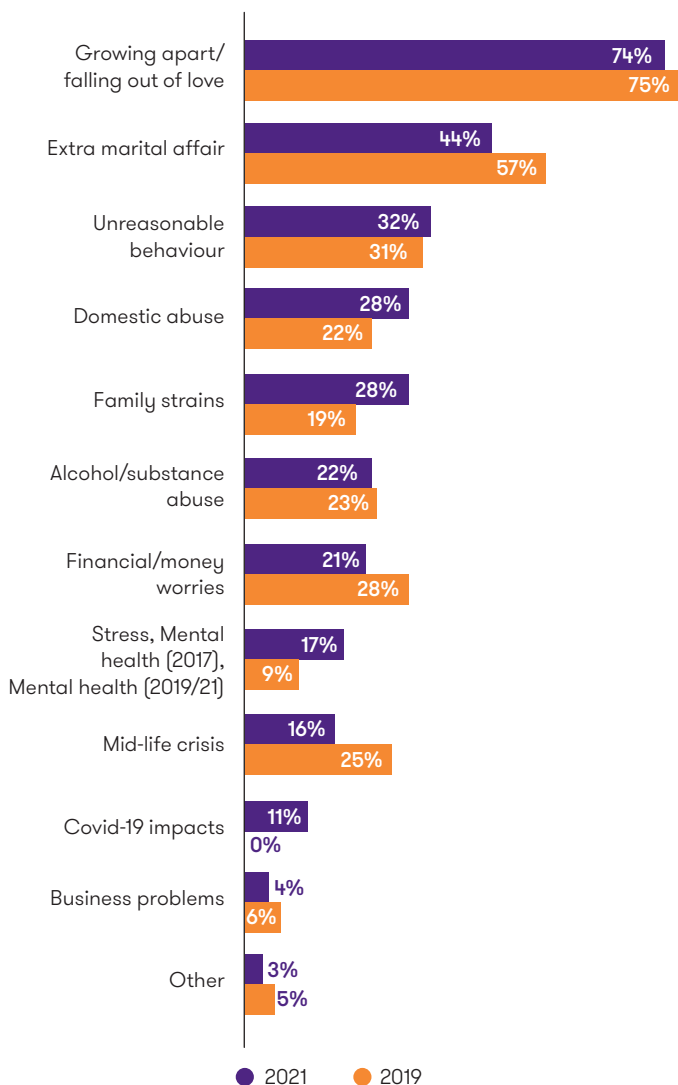
We asked respondents what they thought had been the most common reasons for separation in the previous two years. Overall, the responses were similar to 2019 but there were some notable changes.

As with the previous two surveys, growing apart or falling out of love was by far the most common reason for separation, with 74% of respondents citing this reason, down slightly from

75% in 2019. Extra-marital affairs remained the second most common reason, but down significantly from 57% in 2019 to 44% in 2021.

Domestic abuse increased from 22% to 28%; family strains increased from 19% to 28%; and stress or mental health increased from 9% to 17%. The significant reduction in mid-life crisis as a reason, from 25% to 16%, was offset by Covid-19 impacts of 11%. It is not unreasonable to consider that all these factors may in some way be attributable to Covid-19 effects.

Figure 2: Three most common reasons for separation in the last two years



74%
Growing apart/
fall out of love



44%
Extra marital
affair



32%
Unreasonable
behaviour

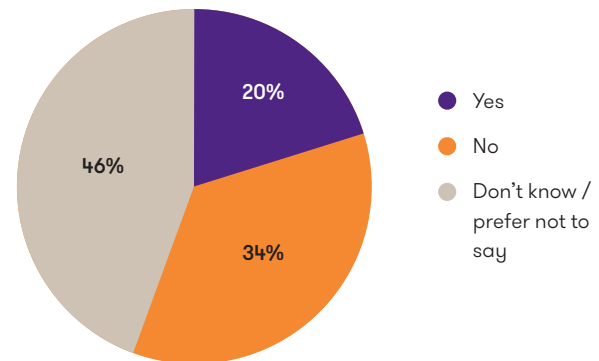
⁶ COVID-19 was not included as an option for participants in the 2019 survey.

Some clients started the separation process but then decided to continue in their relationship due to the impacts of Covid-19.

When family lawyers were asked whether the impacts of Covid-19 affected their clients' decision to continue in the relationship, despite having started the separation process, 20% of clients stated this was a factor.

This may be the result of increased housing prices making two homes unaffordable, or to other financial pressures. It is also possible that lockdowns changed the strains in some relationships and provided an opportunity for some couples to review their relationship and to address issues which had previously appeared insurmountable.

Figure 3: Clients who decide to continue in their relationship due to impacts of Covid-19



Relationship property lawyers are generally advising on property pools of up to \$2.5 million.

Participants were asked which relationship property pool value bands they had advised on in the past two years, and the most common value band.

The 2021 survey saw a significant shift upwards in the value of relationship property pools. The lowest band, less than \$500k, decreased from 73% to 68%. The \$1.01m to \$2.5m band which was at 72% in 2019 is now 75%, equalling the \$500k to \$1m band.

A significant increase in higher-value relationship property pools was also observed with 45% of practitioners advising on property pools in the \$5 million to \$10 million band compared to

29% in 2019. Survey respondents providing advice for property pools over \$10 million increased to 31%, compared to 18% in 2019.

This change can most likely be attributed to the asset price boom across New Zealand in the last two years, particularly an increase in house prices over the same period.

The change in the most common value pool advised on reflects this same trend with 49% of practitioners most commonly advising on property pools worth more than \$1 million, a significant increase from 38% in 2019. Practitioners who most commonly advised on pools valued under \$1 million fell from 62% in 2019 to 51% in 2021.

Overall, these findings demonstrate a continued increasing trend in the value of relationship property assets.

Figure 4: Value of net relationship property pools advised on

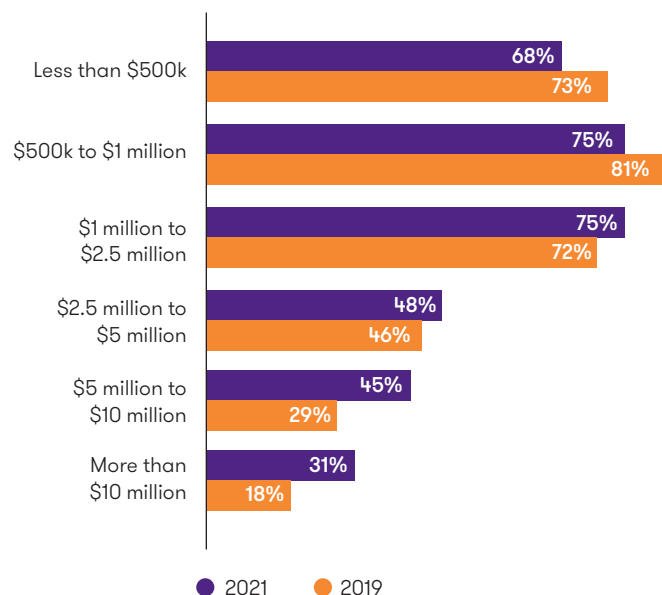
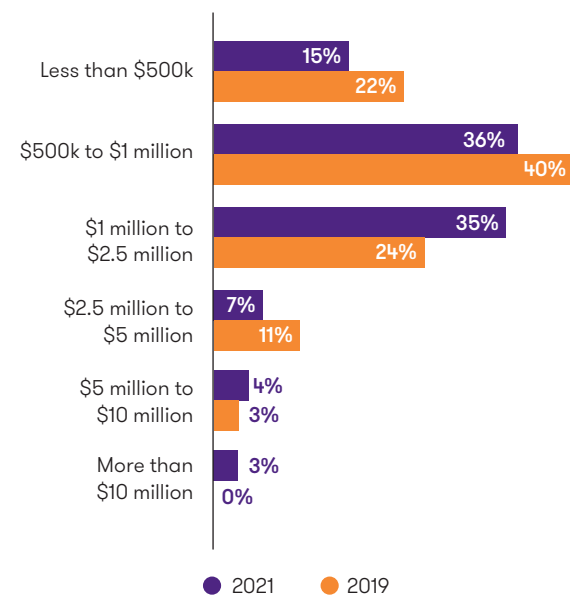


Figure 5: Most common net relationship property pool



How we practise



As demonstrated in the previous two surveys, family lawyers have real depth of experience and expertise.

Sixty-five per cent (65%) of survey respondents have over 10 years' experience, 50% have over 15 years' experience and 29% have over 25 years' experience. There is also an encouraging 6% increase in the number of newer practitioners with under 10 years' experience.



Women continue to dominate the practice of family law with 71% of respondents identifying as female, an increase of 8% from 2019.

The reasons for this trend are beyond the scope of this survey but could simply be explained by a greater number of female lawyers coming through the profession and male lawyers choosing another specialism.



Future relationship property work exceeded expectations.

The 2021 survey shows practitioners continued to underestimate their future workload. In 2019, 55% of practitioners surveyed said they thought their relationship property workload would increase; in 2021, 59% said their work had increased.



Time, cost and discount was the most common billing method among practitioners.

This finding is likely a result of Covid-19 financial restrictions on clients, affecting their ability to pay.

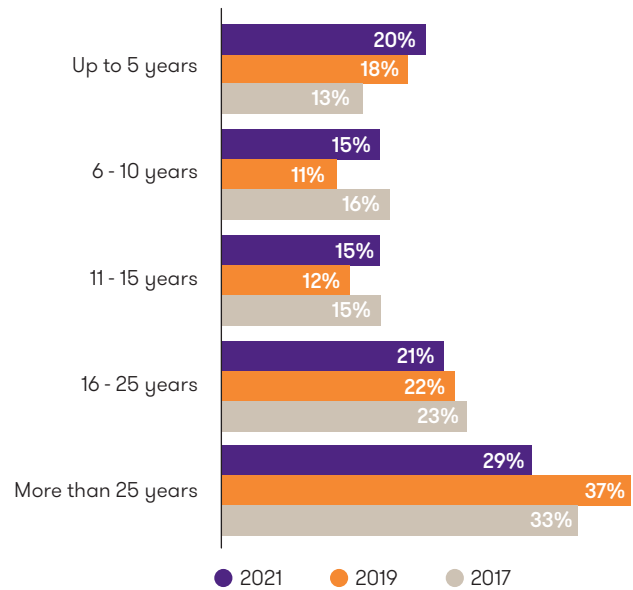


Many family lawyers offer significant experience and related expertise.

Although down from 70% in 2019, 65% of respondents reported having more than 10 years' experience, and 50% more than 15 years. This again confirms the deep levels of experience and related expertise many practitioners offer to their clients.

An increase was seen in the number of practitioners with up to 10 years' experience to 35% in 2021 compared with 29% in 2019, indicating recruitment to family law practise has increased.

Figure 6: Number of years practising as a family lawyer



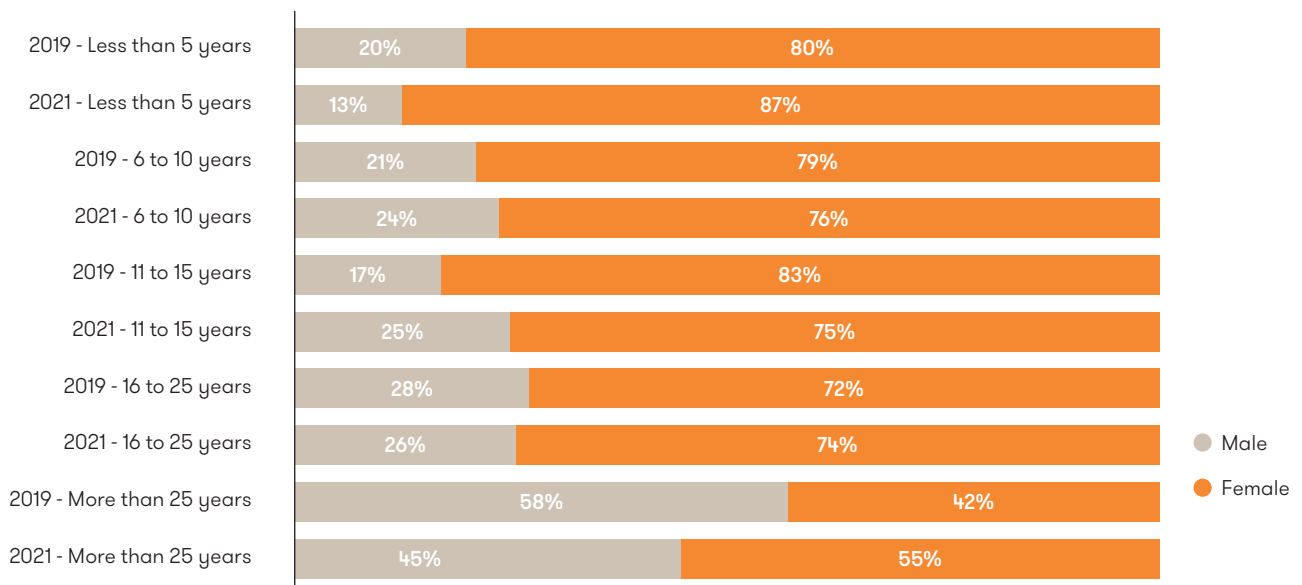
Female family law practitioners outnumber males in 2021, following the trend in previous surveys. Females account for 71% of respondents, with males just 28%⁷.

The Family Law Section's current membership shows a similar gender split. In 2019, 63% of respondents were female and 34% male. Extrapolating from experience and gender balance results, it would seem more women are joining the practice of family law, possibly as men with more than 25 years' experience retire.

This gender mix is not the same at different experience levels. At levels of experience up to 15 years, the gender balance is closer to 80% female and 20% male. This indicates that, in the coming years, the practice of family law will become increasingly dominated by female practitioners.

The consistency of the trend towards more female practitioners of family law possibly suggests a greater number of female lawyers coming through the profession and male lawyers choosing another specialism. It is also clear that those clients wanting to instruct a male practitioner have a limited population to choose from, which will continue to decrease on current trends.

Figure 7: Gender mix by years of experience



⁷ 1% prefer not to say.

There's a wide variety of practice types for family lawyers.

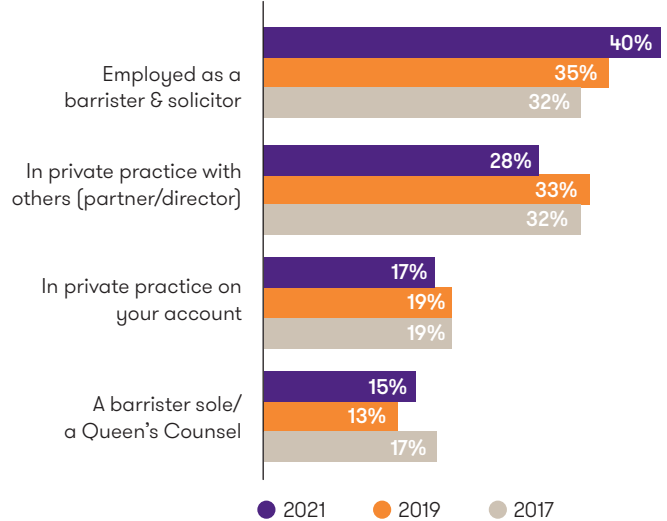
The 2021 survey saw a jump in the number of employed barristers and solicitors (40%, a 5% increase from 2019 and an 8% increase from 2017), in favour of those in private practice with others (a 5% decrease from 2019). The other figures are similar to 2019 with 17% practising on their own account and 15% a barrister sole or Queen's Counsel.



5%

increase in the number of employed barristers and solicitors since 2019

Figure 8: Type of practice



Family lawyers offer a range of advice within the specialist field.

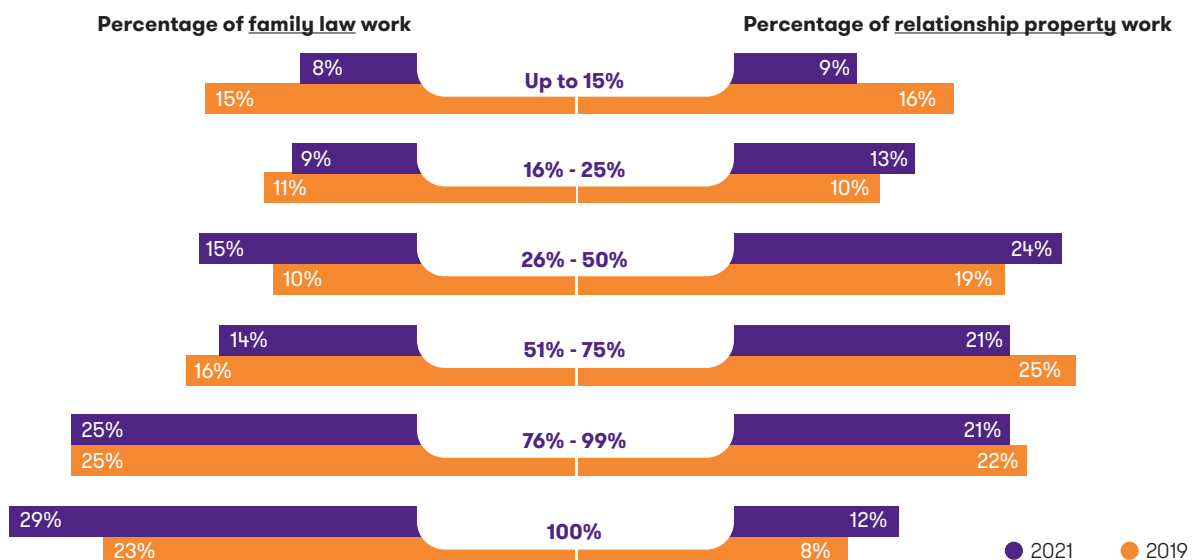
We asked practitioners to indicate how much family law work they undertake relative to other legal work, and the proportion of that work which is relationship property work.

Family law has always been a speciality field, but it appears to be becoming more specialised with more respondents indicating a higher percentage of their practice comprises family law. A gradual increase is shown since the last survey with 68% of respondents reporting that family law comprises at least half their practice. This result is higher than that reported

in 2019 (64%). For 29% of respondents, family law work is all they do, an increase from 23% in 2019.

Similar to the results reported in 2019, there appears to be a generally positive correlation between the volume of family law work undertaken and the proportion of that work which is relationship property work. The results show that (except for those that do all family law work) the more a practitioner's legal practice consists of family law work, the greater the percentage of that work that is relationship property work. For a limited number (12%), all family law work they do is relationship property work, up from 8% in 2019.

Figure 9: Family law and relationship property work undertaken

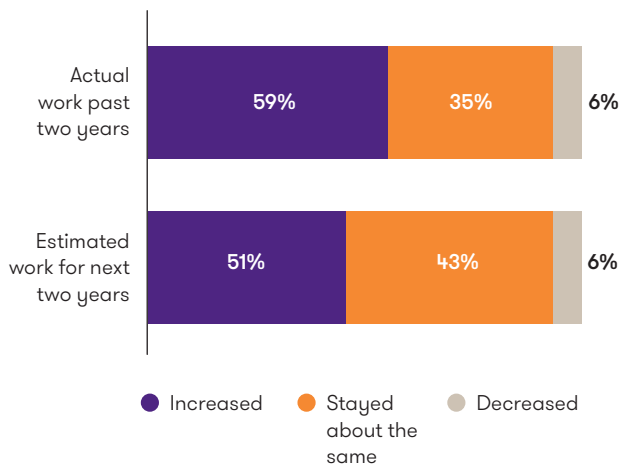


Practitioners estimate work volumes will increase.

Two years ago, practitioners were asked to predict whether the volume of relationship property work they undertake would increase, decrease, or stay the same in the following two year period. In 2019, 39% thought it would increase, while 61% thought it would decrease or stay the same.

However, practitioners underestimated how busy they would be. The 2021 results show 59% of practitioners saw an increase in demand for relationship property advice, and 41% stated it had decreased or stayed about the same in the last two years.

Figure 10: Estimated volume of work vs actual volume of work



51%

believe their relationship property work will increase over the next two years

Asking again for a prediction of anticipated work volumes over the next two years, 51% of participants believe their relationship property work will increase and 49% predict it will decrease or stay about the same. While significantly more optimistic than earlier surveys, these predictions may still be underestimated given historical trends.

Figure 11: Changes in volume of relationship property work in the last two years

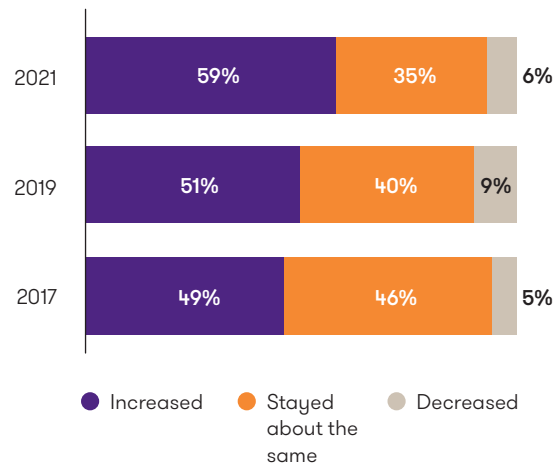
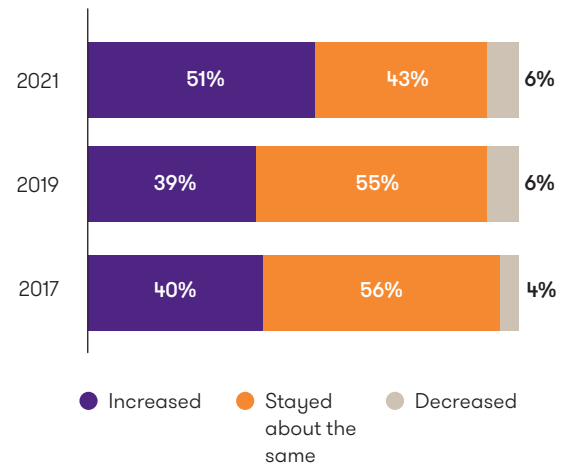


Figure 12: Expected changes in volume of relationship property work in next two years



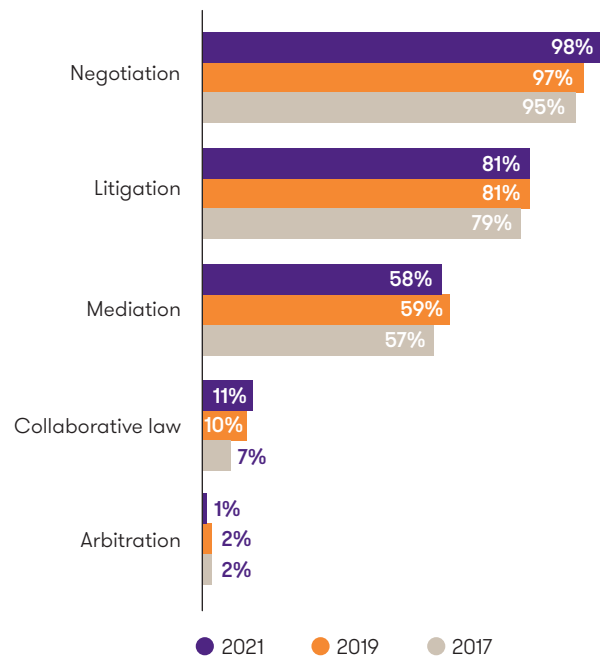
Negotiation is the most frequently used method.

When asked which was the most used settlement method for relationship property cases, the results across all three surveys are similar. The 2021 results show 98% of practitioners used negotiation in relationship property matters, 81% used litigation, 58% mediation, 11% collaborative law and 1% arbitration.



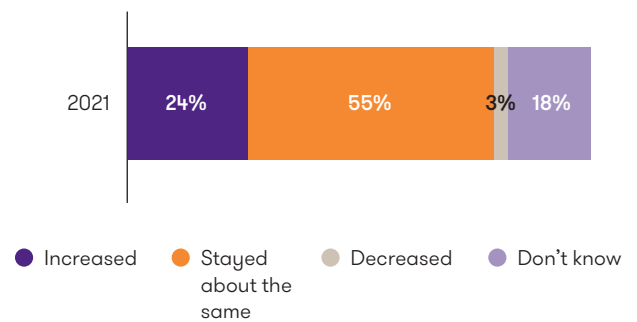
98%
of practitioners used negotiation

Figure 13: Settlement methods practitioners use most often in relationship property cases



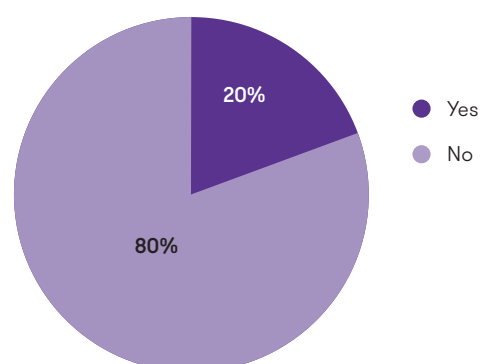
Survey participants were asked whether they had observed an increase or decrease in the use of out of court processes to settle relationship property matters. Just under a quarter of respondents reported an increase while the balance reported no change or a decrease. This could be a further impact of Covid-19 which restricted access to many court processes.

Figure 14: Out of court processes to settle relationship property matter



In the last two years, 20% of respondents had experience of relationship property mediations using an online method such as Teams or Zoom. This can largely be explained by the Covid-19 lockdowns during that period and the resultant increase in availability and use of online processes.

Figure 15: Practitioners who have undertaken relationship property mediations online

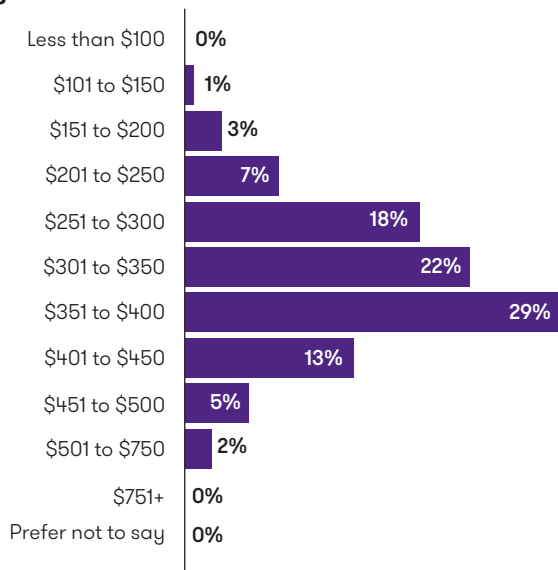


A broad range of hourly rates, with an average rate of \$355/hour was reported.

Practitioners were asked their current standard hourly rate for time-based relationship property engagements, excluding GST and disbursements.

Most fees (51%) fell within the \$301 to \$400/hour range. A quarter charged between \$201 and \$300/hour. Most (80%) charged less than \$400/hour.

Figure 16: Standard hourly rate for time-based engagements



Overall, average standard hourly rates have increased since 2019.

Average indicated standard hourly rates were \$355/hour, with the North Island above (\$365/hour), and the South Island below (\$330/hour) the average. The 2021 overall average rate of \$355/hour was higher than the equivalent rate of \$332/hour observed in 2019.

Figure 17: Average standard hourly rates by region (net of GST and disbursements) (\$/hour)

| Region | Rank (2021) | \$/hour (2021) | Rank (2019) | \$/hour (2019) |
|----------------------------------|-------------|----------------|-------------|----------------|
| Auckland | 1 | 391 | 1 | 371 |
| Wellington | 2 | 349 | 7 | 317 |
| Canterbury & South Canterbury | 3 | 342 | 5 | 319 |
| Manawatu, Wairarapa & Horowhenua | 4 | 341 | 3 | 354 |
| Gisborne & Hawke's Bay | 5 | 325 | 8 | 315 |
| Bay of Plenty | 6 | 323 | 9 | 312 |
| Otago & Southland | 7 | 322 | 6 | 317 |
| Waikato | 8 | 322 | 2 | 356 |
| Taranaki & Whanganui | 9 | 311 | 11 | 279 |
| West Coast, Nelson & Marlborough | 10 | 305 | 10 | 284 |
| Northland | 11 | 300 | 4 | 321 |
| Total | | 355 | | 332 |
| North Island | | 365 | | 349 |
| South Island | | 330 | | 317 |



51% of respondents' fees fell within the \$301 to \$400/hour range.

The use of discounted billing methods by practitioners has increased.

Family lawyers apply many different approaches as the basis of fees for relationship property matters, with many more practitioners adopting a time, cost and discount approach. Notably this method shows a 10% increase in use from 67% in 2019 to 77% in 2021.

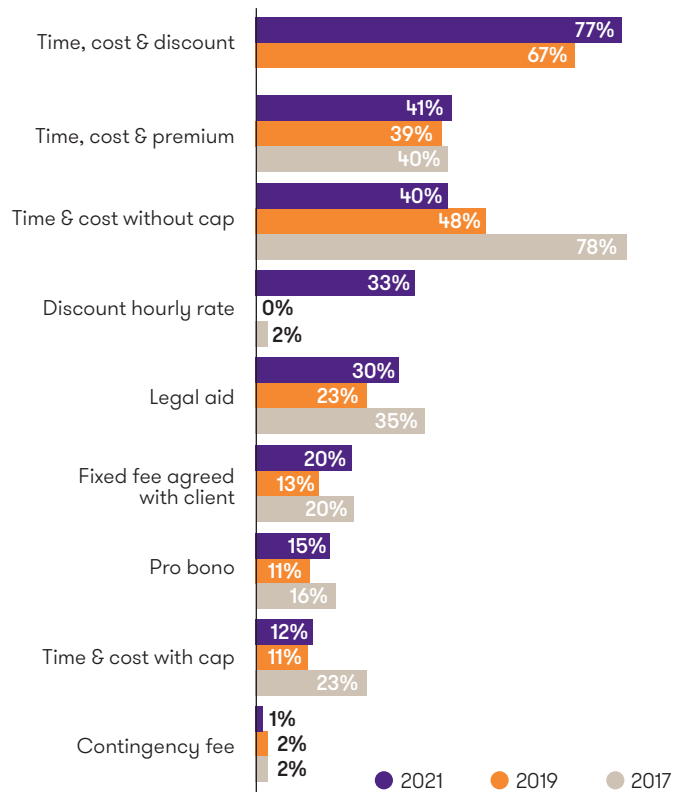
In addition, in this year’s survey 33% of family lawyers report providing a straight discounted hourly rate (this option was not available in the 2019 survey). Agreeing a fixed fee with the client also saw a marked increase from 13% in 2019 to 20% in 2021.



77%

of practitioners use time, cost and discount approach for fees

Figure 18: Billing methods used



What’s the most common billing method used?

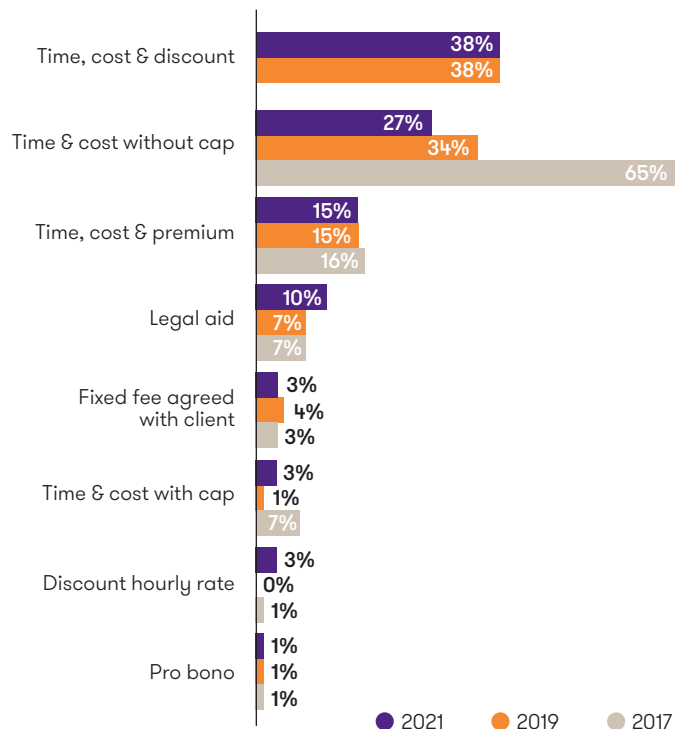
The increased use of discounted billing methods by practitioners is also reflected in the most common billing method used. Time, cost and discount was 38% in 2021, the same as in 2019, and continued to be the most common billing method. Time and cost without cap was the most common billing method in 2017 at 65% but is now the most common method for only 27% of practitioners.



38%

decline in time and cost without cap billing method since 2017

Figure 19: Most common billing method

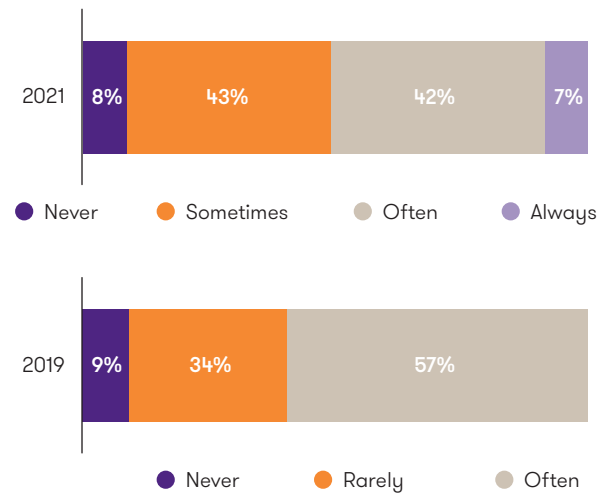


Payment options have become less flexible.

Respondents were asked if, during the last two years, they had provided flexible payment options such as deferred payment terms or prompt payment discounts to their relationship property clients.

Noting a wording change in the question with the addition of 'always' and changing 'rarely' to 'sometimes', only 8% reported to have never provided this option, and 7% stated they always did. It appears to be common practice for around half (49%) of respondents to offer payment options, down from 57% in 2019, and occasional practice for a further 43% of respondents.

Figure 20: Frequency of flexible payment terms provided



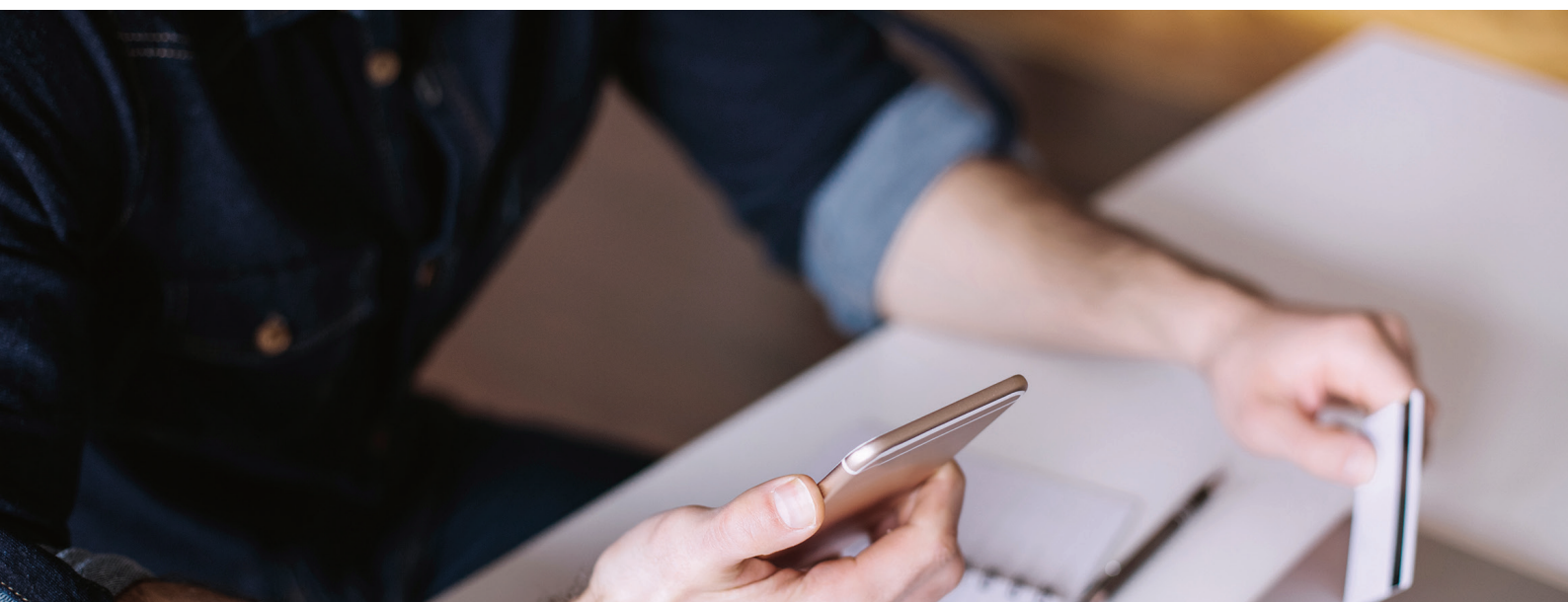
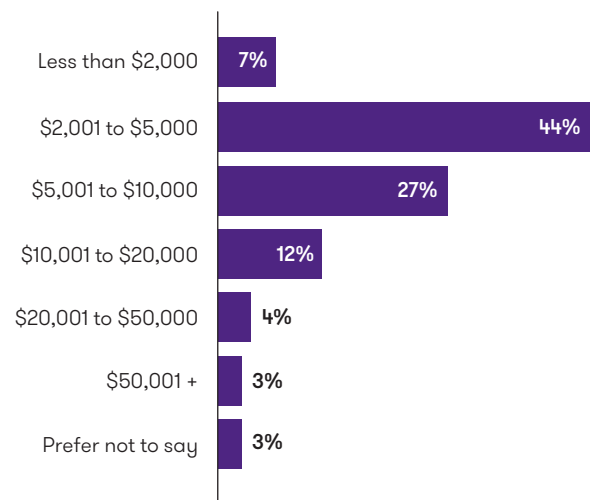
Combined fees for resolving a relationship property dispute and rendering a section 21A agreement.

In previous surveys, the question of fees has only been asked as it relates to contracting out agreements. This year, we asked the average level of fees typically charged for resolving a relationship property dispute and a section 21A settlement agreement (exclusive of GST and disbursements).

Many respondents (44%), reported a typical fee level in the range \$2,001 to \$5,000, and over a quarter reported fees in the range \$5,001 to \$10,000. Fees above \$20,000 or below \$2,000 were relatively rare.

The probable reason for these low fee levels might be that many clients come to their lawyers when they are close to reaching agreement and there are either no complications or a simple relationship pool comprising a single large asset. The higher fees are likely to be charged for more complex arrangements or where issues are more contentious.

Figure 21: Fees rendered for resolving a relationship property dispute and rendering a section 21A agreement



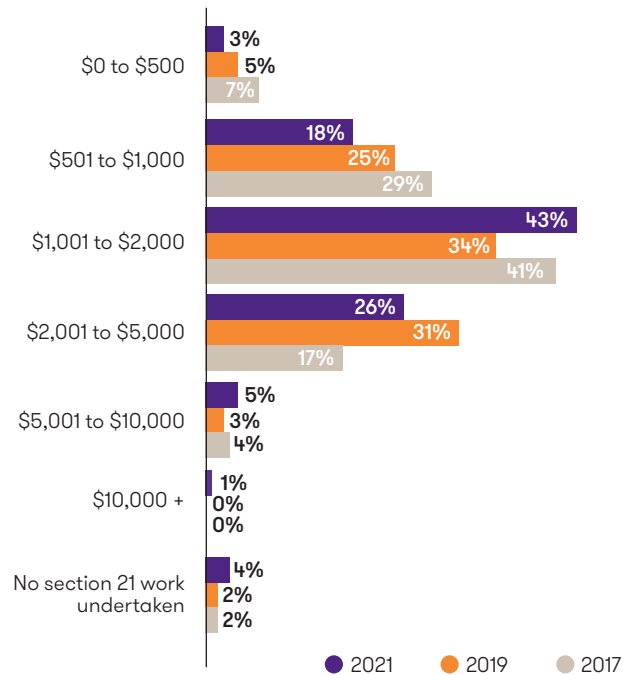
Fees for contracting out advice have increased since 2017.

The results show that family lawyers now render higher fees for contracting out advice (“pre-nup”). In 2017, 36% of practitioners were charging less than \$1,000 for this advice, whereas in 2021 only 21% of practitioners render fees at these lower levels.

While an improvement, there remains the possibility that practitioners are continuing to undervalue their work and in doing so are exposing themselves to risk in terms of the level of work undertaken. It could also be that significant discounting is taking place.

Should a contracting out agreement ever be challenged, a low fee may also indicate insufficient time was devoted to the exercise, with potential adverse consequences for both client and practitioner.

Figure 22: Average level of fees rendered for legal advice on a contracting out agreement



Most family lawyers report increased levels of stress

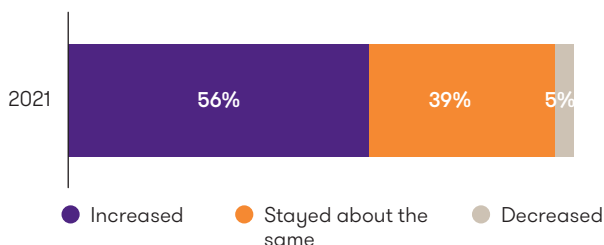
This new line of questioning in the 2021 survey aimed to identify the levels of stress experienced among practitioners, and how this stress is addressed. While the effect of stress is inherently personal, it is worthwhile taking a look at how individual practitioners perceive changes in their stress levels.

Noting significant changes in how law is practiced due to the impact of Covid-19 throughout this survey period, these changes are likely to have affected the level of stress experienced. Only 5% of those surveyed report a decrease in stress levels with a majority of 56% reporting an increase.

Many practitioners may be unwilling to admit to stress and access advice because of perceived stigmas and how they could be seen professionally. This may account for the significant number of respondents (18%) who chose not to say what resources they had accessed.

It might be that most of the 33% who did not access assistance had experienced no change or a decrease in their stress levels. Further research into this area would be useful, particularly if some practitioners are continuing to work with unmanageable stress.

Figure 23: Work related stress



All survey participants were asked whether they had accessed any resources to manage their stress, not just those who reported increased levels of stress. It is heartening to see that 24% of respondents received professional supervision, and 15% sought counselling. Eleven per cent (11%) reached out to the Law Society’s friends panel.

Figure 24: Accessing resources to alleviate stress



The practise of relationship property law

Opposing counsel pose challenging issues for family lawyers

Survey participants were asked to select the top three problematic issues that they most commonly encounter in relationship property cases. The results in 2021 closely followed those in 2019 with systemic delays in the Family Court topping the list (44%), dealing with unrealistic, aggressive or inexperienced opposing counsel ranking second (40%), followed by non-disclosure of information (39%).

Setting aside systemic delays in the Family Court which is outside the ambit of family law practitioners, issues with opposing counsel account for the bulk of issues faced by family lawyers.

Notable changes

The first significant change worthy of note is a decrease from 30% in 2019 to 19% in 2021 for issues dealing with economic disparity under section 15. While this remains a difficult issue with the methodology continuing to be uncertain, the result could be accounted for by the decision in *Scott v Williams* which simplified the economic disparity calculation.

The second change concerns equality of arms between parties. Respondents reported this being less problematic in 2021 (15%) compared to 2019 (25%).

The third point of note relates to issues first surveyed in 2021:

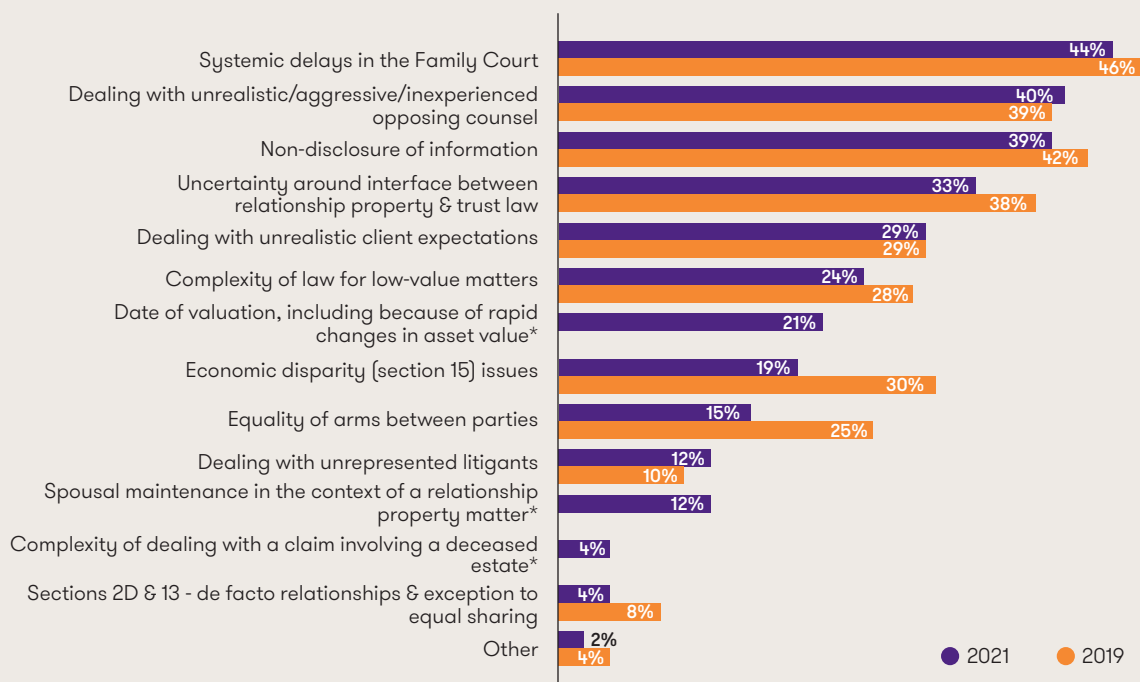
- date of valuation, including because of rapid changes in asset value,
- spousal maintenance in the context of a relationship property matter, and
- complexity of dealing with a claim involving a deceased estate.

Date of valuation was identified as problematic by a large percentage of respondents (21%). This issue is likely related to an uncertain and inflationary housing and investment market, resulting in significant increases in value over short time frames quickly rendering recent valuations inaccurate.

Spousal maintenance was recorded as problematic by 12% of respondents.

Only a small percentage of respondents (4%) reported issues with the complexity of dealing with a claim involving a deceased estate.

Figure 25: Top three problematic issues encountered in relationship property cases



* Not included as an option for participants in the 2019 survey.

The Law Commission proposals

In 2019 practitioners were asked whether they generally supported the Law Commission proposals. The 2021 survey focused on client knowledge of the proposals and their response to non-implementation.

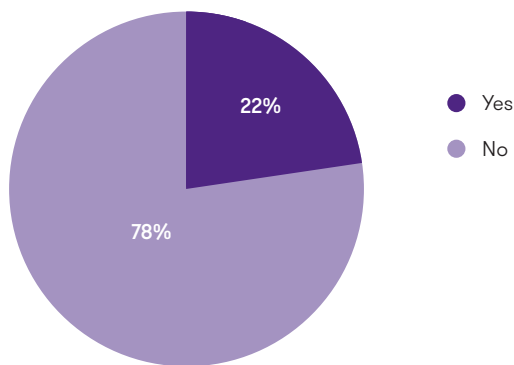
In brief, the proposals address the following issues:

- no longer always sharing full value of the family home,
- in specific circumstances a party to a relationship may be eligible for Family Income Sharing Arrangements,
- a court has greater powers over sharing trust property,
- children’s best interests are given greater priority, and
- occupation or tenancy orders are available for the primary caregiver.

How aware are clients of the Law Commission proposals?

A low 22% of respondents stated clients indicated knowledge of the proposals. This could be explained by a general lack of knowledge of the law as it relates to relationship property. Law Commission media coverage and the Ministry of Justice discussion documents note many believed the new proposals were already law.

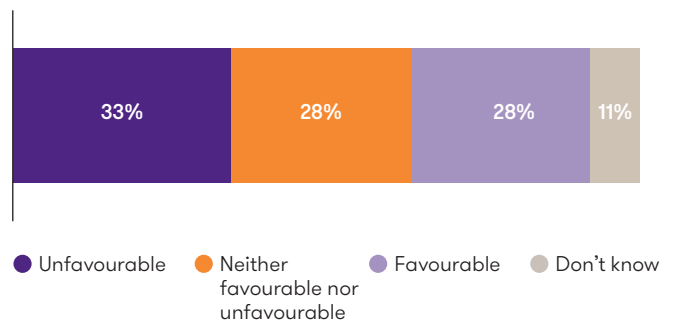
Figure 26: Knowledge of Law Commission proposals



How do clients feel about the non-implementation of Law Commission proposals?

An even spread of responses was received, with 33% of family lawyers reporting an unfavourable client response, 28% reporting neither unfavourable or favourable, and a further 28% reporting a favourable response.

Figure 27: Knowledge of Law Commission proposals



22%

of respondents stated clients indicated knowledge of the Law Commission proposals

Relationship property hearing timeframes

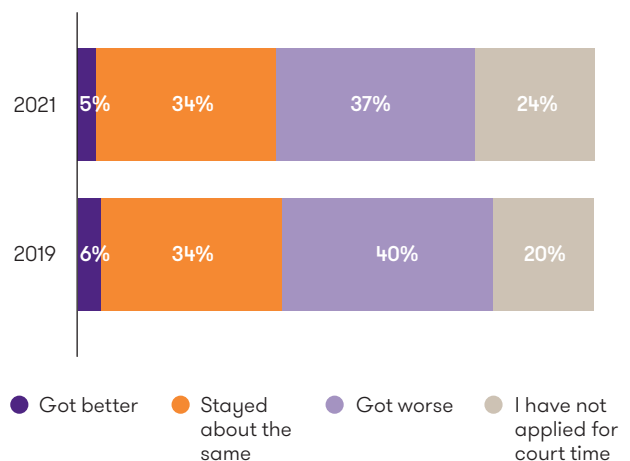
Practitioners were asked about the allocation of court time for relationship property cases. It appears timeframes have slightly improved over the last two years.

Slight improvement in allocation of court time for relationship property cases

Showing a very similar result to 2019, 5% of practitioners indicated allocation of court time had improved, with 34% stating it had stayed the same, the same result as in 2019. The percentage who believed the allocation had got worse dropped slightly from 40% in 2019 to 37% in this year's survey.

Those who had not applied for court time accounted for a larger percentage (24%) than in 2019 (20%). This may be a further impact of Covid-19 with changes to court schedules during that period and restrictions on filing matters unless they were urgent.

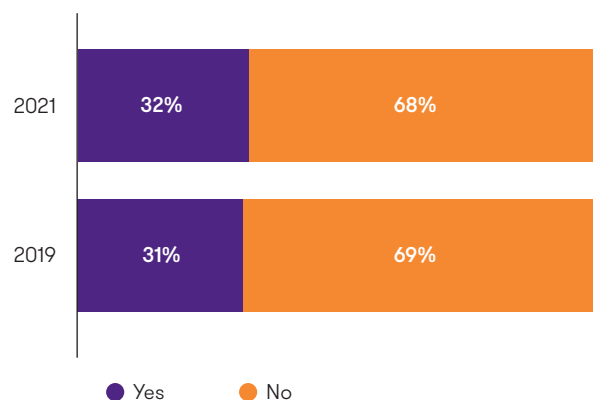
Figure 28: Allocation of court time for relationship property cases



Involvement in long-cause fixtures on relationship property cases

On this topic, the survey results are almost identical in 2021 to those in 2019 with almost 70% of respondents being involved in a long-cause fixture during the last two years. This is despite 81% of practitioners saying that that they had used litigation, likely indicating, as in 2019, most litigation proceedings conclude out of court.

Figure 29: Involvement in long-cause fixture in the last two years

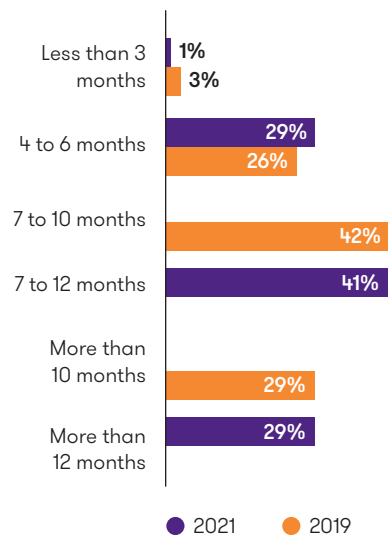


Most practitioners waiting over six months for a hearing date to be set down

Most practitioners (41%) report the usual time frame between requesting a hearing and for it to be set down was 7-12 months, a similar result to that reported in 2019. Only 1% stated a usual timeframe of less than 3 months, and 29% reported 4-6 months. A further 29% reported a typical timeframe of more than 12 months.

This can be attributed to a general shortage of judicial capacity with a backlog of cases and already full schedules combined with insufficient allocation of time for judgment writing.

Figure 30: Usual time frame between hearing date requested vs set down

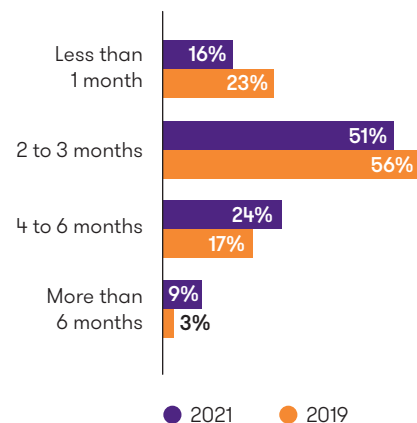


Delay in long cause decisions

A longer timeframe for decisions is reported in 2021 compared to 2019. In 2021, 67% of respondents experienced a timeframe of less than three months reflecting a 12% decrease from 2019.

The timeframe for decisions of more than three months was 33%, an increase of 13% from 2019. This indicates a significant shift towards a greater time being taken for long cause decisions to be delivered.

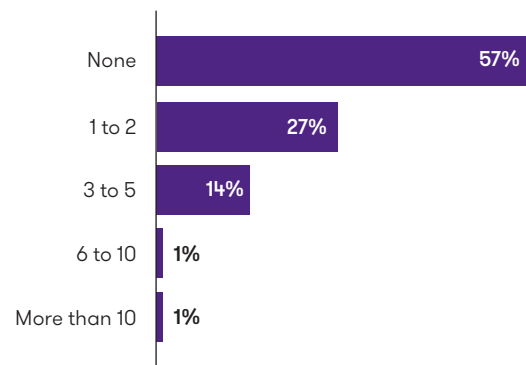
Figure 31: Time frame in which decisions delivered on conclusion of hearing



Covid-19 timing impacts

As anticipated, Covid-19 has impacted the timing of relationship property hearings. While 57% of respondents reported no hearings were affected, 27% reported one or two hearings were affected, and 14% reported three to five hearings were affected.

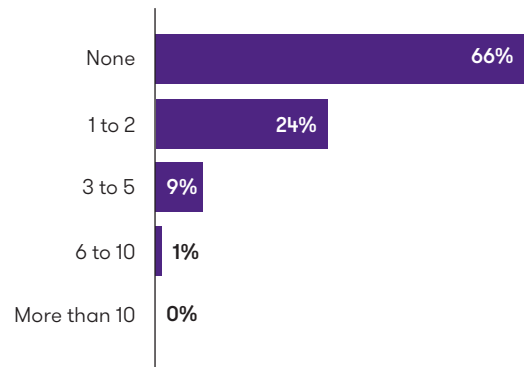
Figure 32: Relationship property matters had hearings that did not proceed due to Covid-19 lockdowns



Interlocutory hearings were less affected

Similarly, a majority of 66% of respondents reported no interlocutory hearings were affected; 24% reported one or two were affected, and 9% reported three to five hearings were affected.

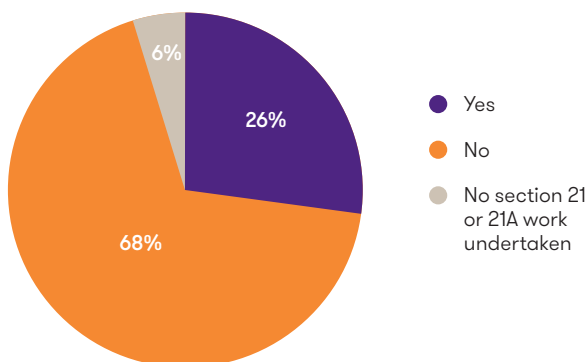
Figure 33: Interlocutory hearings that did not proceed due to Covid-19 lockdowns



Signing agreements remotely became prevalent during the Covid-19 lockdowns and were challenging for some practitioners

Over a quarter of practitioners recorded difficulties achieving remote signing of section 21 or 21A agreements during Covid-19 level 3 or 4 lockdowns, presumably due to technical difficulties in a challenging environment. The majority, 68%, reported no issues, indicating the use of this new method did not greatly impede settlement for many.

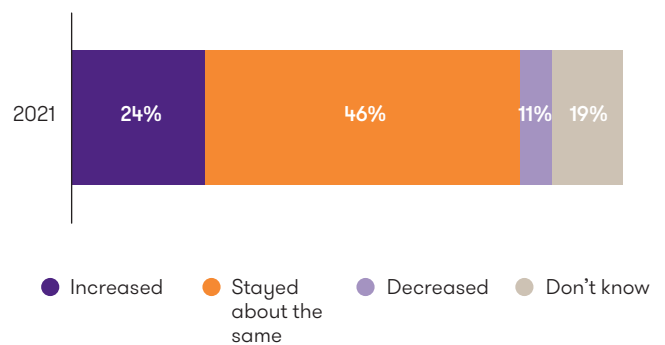
Figure 34: Difficulties in achieving remote signing of section 21 or 21A agreements during Covid-19 lockdowns



When respondents were asked how the impacts of Covid-19 have affected rates of settlement of relationship property matters, 24% indicated an increase in the number of settlements achieved; 46% reported no significant change.

The increase in settlements could be due to a number of factors including the delays in court processes providing a greater impetus to settle rather than wait. A further factor could be the general desire of clients to take control of one aspect of their lives in an environment of uncertainty, especially in Auckland.

Figure 35: Impacts of Covid-19 on rates of settlement



Has Covid-19 had an effect?

Ramifications felt in every area of family practice

Even a brief glance at the results indicates most areas of the practice of family law have been affected by Covid-19. The period this survey covers is almost entirely during the pandemic.

While it is not for lawyers to delve into why couples separate, and not all clients are willing to divulge this information, for many, lockdown imitates retirement in terms of time spent together and relationships are scrutinised with future retirement in mind.

For some couples, financial pressures brought to bear by job losses or business failures may be sufficient reason to separate. Looking after children or elderly relatives with regular care routines that have been disrupted placed an additional strain on many.

Other couples may have decided to remain in their unhappy relationships through lockdown because the logistics of moving made it near impossible to separate. Many of these couples may choose to separate in 2022, however with the extraordinary rise in house prices and the uncertainty in that market, many will not be able to afford to leave their relationships.

The current housing market boom for owners is also largely a result of the pandemic with increased demand caused by ex-pat returnees and a shortage of supply leading to panic buying at inflated prices across the country.

A snapshot of the effects of Covid-19

Rates of settlement increased, possibly to avoid longer term financial effects of Covid-19 and the pandemic provided the necessary motivation to settle.

Prices skyrocketing in the housing market may have translated into urgency in terms of settlement.

There was a great deal of uncertainty, particularly in Auckland, and many people separating may want to achieve certainty and take control of this one aspect of their lives.

Most relationship property lawyers discounted their fees, despite an increase in business, to accommodate the needs of their clients. A greater proportion offered a fixed fee arrangement to provide certainty in a cash-poor environment.

Relationship property pools increased substantially, especially due to inflationary housing and investment markets.

Reasons for separation changed with a dramatic decrease in extra marital affairs, which is difficult to attribute to anything other than lack of opportunity. Family strains and stress increased just as dramatically.

Twenty per cent (20%) of clients decided to continue in their relationship because of the impacts of Covid-19, maybe as couples realise that they can no longer afford to separate in the new housing market or lockdowns provided an opportunity to review their relationships.



20%

of clients decided to continue in their relationship because of the impacts of Covid-19



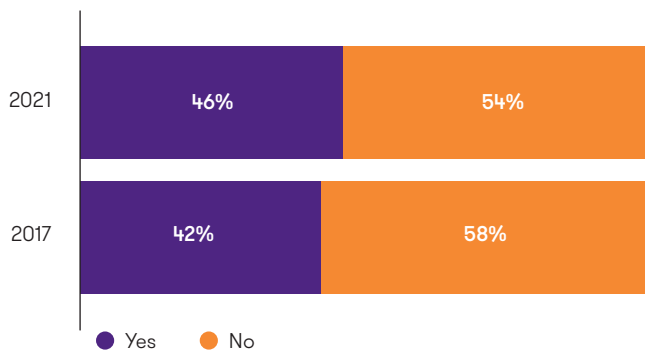


Using forensic accountants

Use of forensic accountants

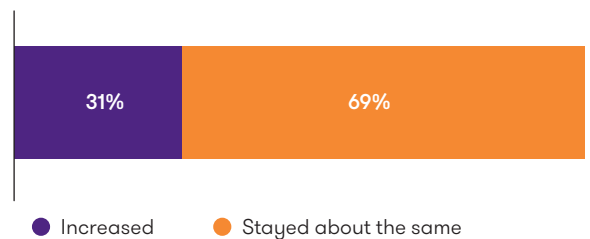
Nearly half of the practitioners surveyed had instructed a forensic accountant in the 2021 survey period (46%), an increase from 42% in 2017 when the use of forensic accountants by relationship property practitioners was last addressed.

Figure 36: Practitioners who have instructed a forensic accountant



This is a small but significant increase in workload for a limited pool of forensic accountants. Being busier in the market appears to have resulted in longer report delivery time. Around 31% of practitioners reported an increase in the time required to obtain reports from forensic accountants, while none observed a decrease in the required time.

Figure 37: Time required to obtain reports from forensic accountant



Use of single joint experts has increased

Single joint experts are mutually appointed on behalf of both parties.

A significant 11% increase was found in the number of lawyers who had used a single joint forensic accountant in the last two years. In 2017 only 27% of practitioners had used this approach, jumping in 2021 to 38%.

The use of a single joint expert is the default requirement under family procedure rules in Australia and the United Kingdom. Clearly the use of a single expert is an increasing trend in New Zealand.

Consistent with this increase, a large majority of practitioners (61%), also indicated they would be in favour of a regime requiring the appointment of a single joint forensic accountant in the first instance. Only 21% would prefer to continue to separately appoint experts, possibly because of a wish for their client to have their own expert.

Figure 38: Forensic accountant instructed for both parties

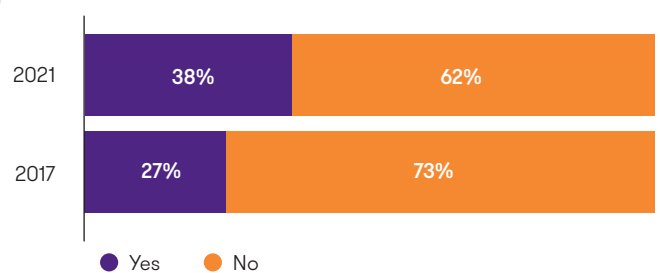
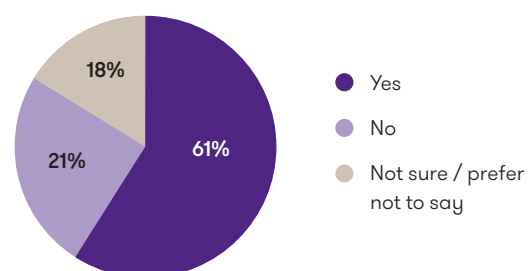


Figure 39: Practitioners in favour of appointment of single joint forensic accountant



Rise in use of forensic accountants for economic disparity claims

Survey respondents who have instructed a forensic accountant over the last two years were then asked to indicate the areas in which they have instructed a forensic accountant since the start of 2020.

Business and share valuations remain the top instruction, with 94% having appointed a forensic accountant for that purpose (96% in 2017).

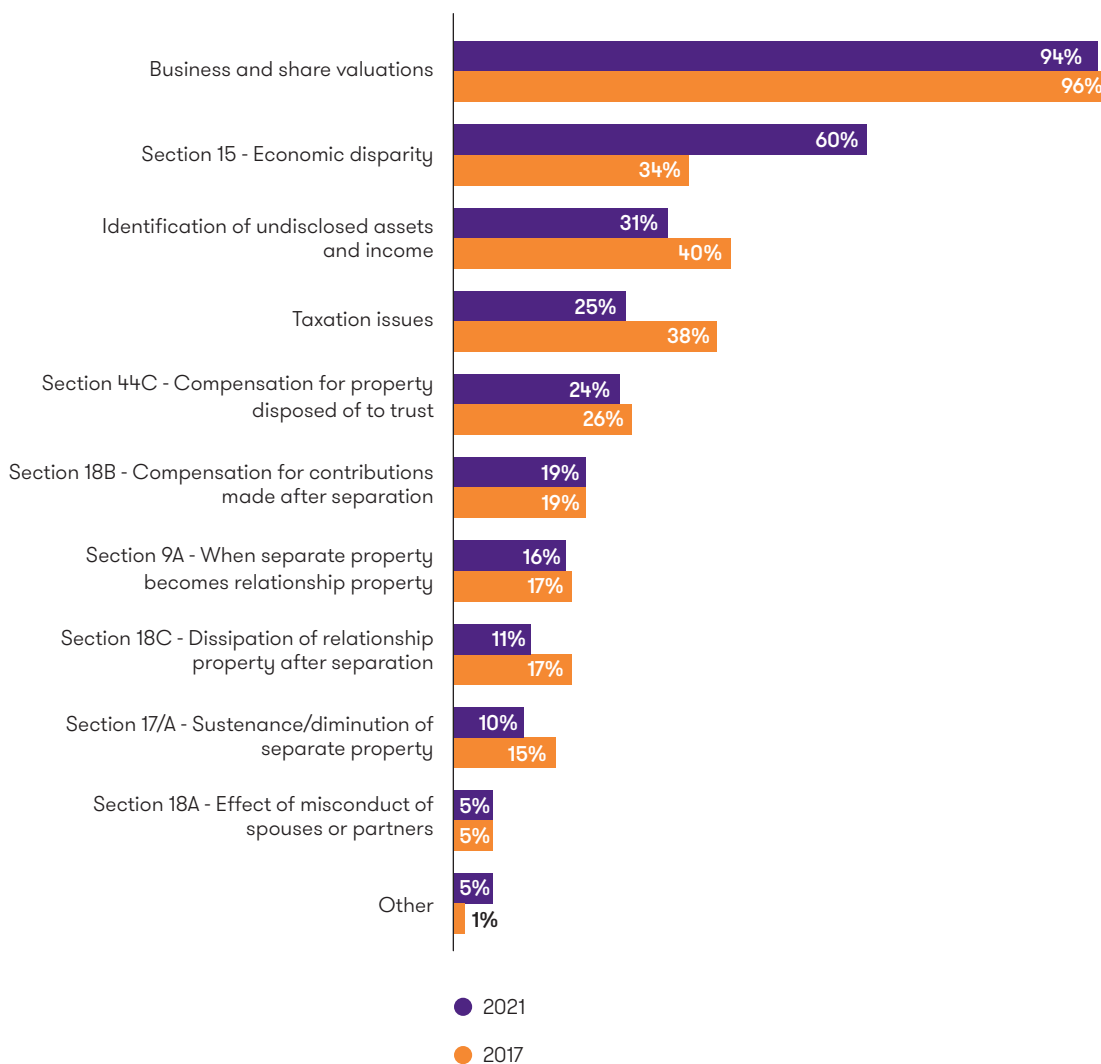
There has been a material increase in the use of forensic accountants to quantify economic disparity claims under

section 15. In 2017 only 34% of instructions included this component, increasing to 60% in 2021. This may be due to the approach established in *Scott v Williams*, which tends to deliver claims of greater quantum than under the previous approach.

Forensic accountants also continued to be regularly appointed on the more complex financial issues associated with relationship property, including sections 44C, 18B, and 9A claims.

Forensic accountants were instructed less for identification of undisclosed assets and income (31% in 2021, 40% in 2017) and taxation (25% in 2021, 38% in 2017).

Figure 40: Areas in which a forensic accountant has been instructed



Independence a key attribute for forensic accountants

When asked to list the three most important attributes a forensic accountant should possess, some big changes emerged compared to 2017. The top three attributes were:

- a good knowledge of relationship property law at 65%, up 12% from 2017,
- independence at 63%, an increase of 29% from 2017, and
- cost effectiveness at 49%, up 17% from 2017.

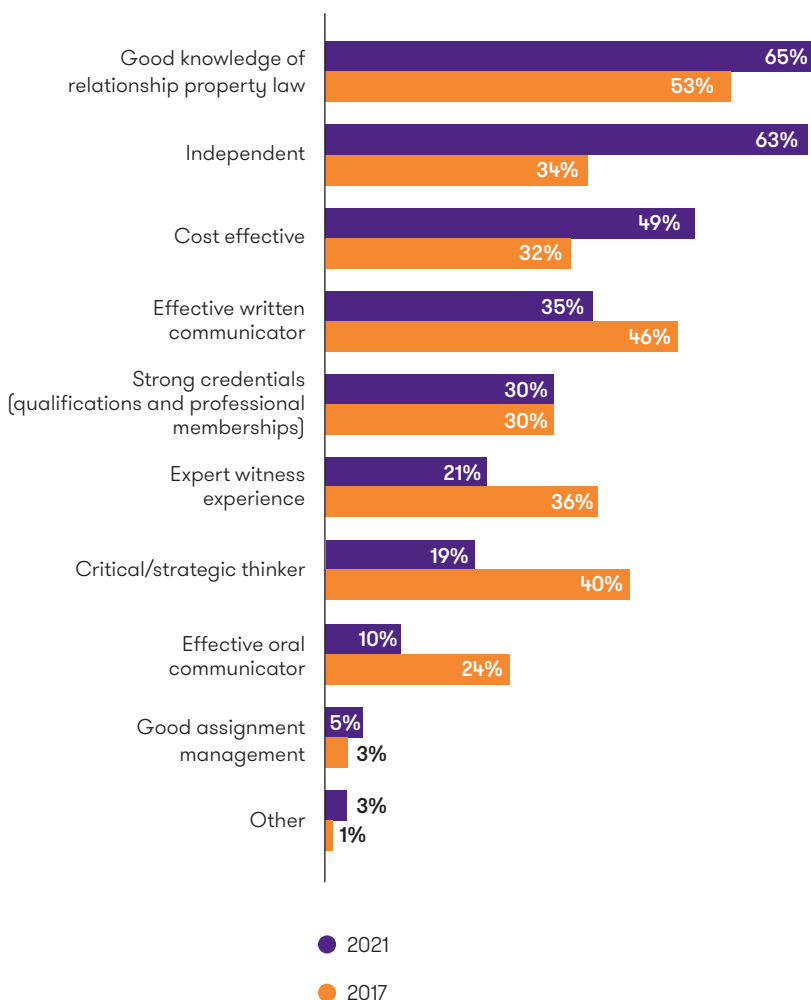
A good knowledge of relationship property law is seen as the most important attribute for a forensic accountant to possess. This reflects the technical nature of the area where an in-depth

working knowledge of the relevant sections of the Acts and their application is required to carry out the work.

The increased desire for independence may have some correlation with the swing in attitude to the appointment of a single joint forensic accountant and the requirement for both parties to have confidence the expert is independent.

Interestingly, the need for expert witness experience dropped by 15%. This may reflect lawyers are comfortable that this experience is unlikely to be needed given most relationship property cases tend to settle out of court.

Figure 41: Important attributes possessed by a forensic accountant



Survey responses by region



| Region | Total | Northland | Auckland | Waikato | Bay of Plenty | Gisborne & Hawke's Bay | Taranaki & Whanganui | Manawatu, Wairarapa, Horowhenua | Wellington | West Coast, Nelson & Marlborough | Canterbury & South Canterbury | Otago & Southland | North Island | South Island |
|---|------------|-----------|-----------|-----------|---------------|------------------------|----------------------|---------------------------------|------------|----------------------------------|-------------------------------|-------------------|--------------|--------------|
| Total Respondents | 275 | 6 | 84 | 18 | 21 | 11 | 10 | 13 | 30 | 18 | 44 | 20 | 193 | 82 |
| | % | % | % | % | % | % | % | % | % | % | % | % | % | % |
| Did you complete our previous (2019) relationship property survey? | | | | | | | | | | | | | | |
| Yes | 49 | 67 | 46 | 50 | 38 | 45 | 40 | 54 | 60 | 72 | 45 | 35 | 49 | 49 |
| No | 51 | 33 | 54 | 50 | 62 | 55 | 60 | 46 | 40 | 28 | 55 | 65 | 51 | 51 |
| What gender do you identify with? | | | | | | | | | | | | | | |
| Male | 28 | 50 | 27 | 22 | 43 | 9 | 10 | 46 | 33 | 17 | 25 | 30 | 30 | 24 |
| Female | 71 | 50 | 72 | 78 | 57 | 82 | 90 | 54 | 64 | 83 | 73 | 70 | 68 | 75 |
| Prefer not to say | 1 | - | 1 | - | - | 9 | - | - | 3 | - | 2 | - | 2 | 1 |
| Are you... | | | | | | | | | | | | | | |
| In private practice on your account | 17 | 33 | 14 | 33 | 14 | - | 10 | 31 | 20 | 28 | 11 | 10 | 18 | 15 |
| In private practice with others (partner/director) | 28 | - | 26 | 28 | 24 | 27 | 40 | 23 | 17 | 28 | 39 | 40 | 24 | 37 |
| Employed as a barrister and solicitor | 40 | 67 | 30 | 28 | 52 | 46 | 50 | 38 | 46 | 44 | 41 | 45 | 38 | 42 |
| A barrister sole | 14 | - | 29 | 11 | 10 | 27 | - | 8 | 17 | - | 9 | 5 | 19 | 6 |
| A Queen's Counsel | 1 | - | 1 | - | - | - | - | - | - | - | - | - | 1 | - |
| How many years have you been practising as a family lawyer? | | | | | | | | | | | | | | |
| 0 to 3 years | 11 | - | 10 | 11 | 10 | - | 30 | 8 | 13 | 11 | 14 | 5 | 10 | 11 |
| 4 to 5 years | 9 | 32 | 7 | 6 | 14 | 9 | - | 8 | 3 | - | 16 | 15 | 8 | 12 |
| 6 to 10 years | 15 | 17 | 11 | 17 | 10 | 37 | - | - | 17 | 22 | 25 | 15 | 12 | 22 |
| 11 to 15 years | 15 | 17 | 19 | 11 | 19 | - | 20 | 31 | 7 | 22 | 7 | 15 | 16 | 12 |
| 16 to 25 years | 21 | 17 | 25 | 38 | 14 | 27 | 20 | 22 | 23 | - | 20 | 15 | 24 | 15 |
| More than 25 years | 29 | 17 | 28 | 17 | 33 | 27 | 30 | 31 | 37 | 45 | 18 | 35 | 30 | 28 |
| What percentage of your own current work consists of family law work? | | | | | | | | | | | | | | |
| Up to 15% | 8 | - | 6 | 6 | 14 | - | - | 8 | 17 | - | 7 | 15 | 8 | 7 |
| 16 to 25% | 9 | - | 11 | 11 | - | 18 | - | 8 | 3 | 6 | 14 | 20 | 8 | 13 |
| 26 to 50% | 15 | - | 13 | 17 | 14 | - | 10 | 38 | 10 | 17 | 16 | 25 | 13 | 18 |
| 51 to 75% | 14 | 33 | 11 | 28 | 14 | 27 | 20 | 15 | 7 | 11 | 14 | 15 | 15 | 13 |
| 76 to 99% | 25 | 50 | 24 | 17 | 29 | 36 | 30 | 23 | 23 | 55 | 17 | 15 | 25 | 27 |
| 100% | 29 | 17 | 35 | 21 | 29 | 19 | 40 | 8 | 40 | 11 | 32 | 10 | 31 | 22 |
| What percentage of your family law work is relationship property work? | | | | | | | | | | | | | | |
| Up to 15% | 9 | - | 8 | 6 | 24 | 9 | - | 8 | 7 | 11 | 9 | 15 | 9 | 11 |
| 16 to 25% | 13 | 33 | 17 | 6 | 5 | 9 | 10 | 15 | 17 | 11 | 11 | 5 | 14 | 10 |
| 26 to 50% | 24 | 17 | 14 | 17 | 33 | 46 | 60 | 23 | 29 | 22 | 20 | 20 | 24 | 21 |
| 51 to 75% | 21 | 33 | 20 | 11 | 19 | 9 | 30 | 15 | 10 | 33 | 28 | 30 | 18 | 28 |
| 76 to 99% | 21 | - | 26 | 49 | 19 | 9 | - | - | 27 | 17 | 23 | 15 | 22 | 20 |
| 100% | 12 | 17 | 15 | 11 | - | 18 | - | 39 | 10 | 6 | 9 | 15 | 13 | 10 |
| Since the beginning of 2020, has your volume of relationship property work... | | | | | | | | | | | | | | |
| Increased | 59 | 50 | 59 | 72 | 48 | 64 | 90 | 77 | 37 | 61 | 57 | 60 | 59 | 58 |
| Decreased | 6 | - | 6 | 6 | - | - | - | 15 | 7 | 6 | 9 | 10 | 5 | 9 |
| Stayed about the same | 35 | 50 | 35 | 22 | 52 | 36 | 10 | 8 | 56 | 33 | 34 | 30 | 36 | 33 |
| In the next two years, do you anticipate the volume of your existing relationship property work will... | | | | | | | | | | | | | | |
| Increase | 51 | 33 | 51 | 72 | 48 | 64 | 40 | 54 | 37 | 33 | 57 | 60 | 50 | 53 |
| Decrease | 6 | - | 7 | - | 4 | - | - | 15 | 10 | 11 | 2 | 10 | 6 | 6 |
| Stay about the same | 43 | 67 | 42 | 28 | 48 | 36 | 60 | 31 | 53 | 56 | 41 | 30 | 44 | 41 |
| Which of the following methods have you used in relationship property matters in the last two years? Please select all that apply. | | | | | | | | | | | | | | |
| Negotiation | 98 | 100 | 99 | 100 | 95 | 91 | 100 | 92 | 97 | 94 | 100 | 100 | 97 | 99 |
| Mediation | 58 | 67 | 67 | 61 | 57 | 73 | 50 | 62 | 57 | 44 | 48 | 45 | 63 | 46 |
| Arbitration | 1 | - | 1 | - | - | - | - | - | - | - | 2 | - | 1 | 1 |
| Litigation | 81 | 100 | 83 | 72 | 81 | 82 | 70 | 54 | 83 | 94 | 80 | 80 | 80 | 83 |
| Collaborative law | 11 | 33 | 14 | 6 | - | 9 | - | 15 | 3 | - | 18 | 15 | 10 | 13 |
| If you have undertaken mediations in the last two years, have you undertaken any of these online (such as via Teams or Zoom)? | | | | | | | | | | | | | | |
| Yes | 20 | 25 | 30 | - | 17 | 38 | 20 | - | 12 | - | 24 | 11 | 21 | 16 |
| No | 80 | 75 | 70 | 100 | 83 | 62 | 80 | 100 | 88 | 100 | 76 | 89 | 79 | 84 |
| In the last two years, have you seen the use of out of court processes to settle relationship property matters? | | | | | | | | | | | | | | |
| Increased | 24 | 17 | 27 | 33 | 19 | 36 | 20 | 8 | 27 | 17 | 20 | 30 | 25 | 22 |
| Stayed about the same | 55 | 66 | 50 | 39 | 67 | 64 | 20 | 61 | 53 | 66 | 58 | 60 | 52 | 60 |
| Decreased | 3 | 17 | 6 | - | - | - | - | 8 | - | 6 | 2 | - | 4 | 2 |
| Don't know | 18 | - | 17 | 28 | 14 | - | 60 | 23 | 20 | 11 | 20 | 10 | 19 | 16 |
| Please select the top three problematic issues that you most commonly encounter in your relationship property cases. | | | | | | | | | | | | | | |
| Systemic delay in the Family Court | 44 | 83 | 50 | 61 | 33 | 9 | 50 | 31 | 40 | 22 | 45 | 55 | 45 | 43 |
| Economic disparity (section 15) issues | 19 | - | 25 | 17 | 14 | 27 | - | 8 | 17 | 6 | 25 | 20 | 19 | 20 |
| Equality of arms | 15 | 17 | 14 | 6 | 19 | 27 | 10 | - | 17 | 22 | 18 | 10 | 14 | 17 |
| Non-Disclosure of information | 39 | 33 | 40 | 33 | 43 | 36 | 30 | 62 | 30 | 50 | 41 | 30 | 39 | 40 |
| Dealing with unrepresented litigants | 12 | - | 12 | 11 | 14 | - | 20 | 8 | 10 | 17 | 18 | 5 | 11 | 15 |
| Sections 2D and 13 - de facto relationships and exception to equal sharing | 4 | - | 2 | 6 | 10 | 9 | - | 15 | 3 | - | 5 | - | 5 | 2 |
| Uncertainty around interface between relationship property and trust law | 33 | 17 | 42 | 28 | 38 | 27 | 40 | 31 | 37 | 17 | 20 | 35 | 37 | 23 |
| Dealing with unrealistic client expectations | 29 | - | 21 | 39 | 24 | 64 | 40 | 38 | 37 | 22 | 27 | 35 | 30 | 28 |
| Dealing with unrealistic/aggressive/inexperienced opposing counsel | 40 | 83 | 39 | 44 | 52 | 55 | 30 | 23 | 20 | 56 | 39 | 35 | 39 | 41 |
| Complexity of law for low value matters | 24 | 17 | 23 | 6 | 10 | 9 | 50 | 23 | 33 | 44 | 25 | 25 | 22 | 29 |
| Spousal maintenance in the context of a relationship property matter | 12 | 17 | 14 | 17 | 14 | - | 20 | - | 13 | 11 | 11 | 5 | 13 | 10 |
| Date of valuation, including because of rapid changes in asset value | 21 | 17 | 12 | 22 | 24 | 36 | 10 | 46 | 30 | 28 | 20 | 25 | 21 | 23 |

| Region | Total | Northland | Auckland | Waikato | Bay of Plenty | Gisborne & Hawke's Bay | Taranaki & Whanganui | Manawatu, Wairarapa, Horowhenua | Wellington | West Coast, Nelson & Marlborough | Canterbury & South Canterbury | Otago & Southland | North Island | South Island |
|---|------------|-----------|-----------|-----------|---------------|------------------------|----------------------|---------------------------------|------------|----------------------------------|-------------------------------|-------------------|--------------|--------------|
| Total Respondents | 275 | 6 | 84 | 18 | 21 | 11 | 10 | 13 | 30 | 18 | 44 | 20 | 193 | 82 |
| | % | % | % | % | % | % | % | % | % | % | % | % | % | % |
| Complexity of dealing with a claim involving a deceased estate | 4 | - | 2 | 11 | 5 | - | - | 15 | 7 | - | 2 | 10 | 5 | 4 |
| Cost to client - lack of legal aid/\$\$ to pursue full entitlements cost greater than benefit received | 1 | 17 | - | - | - | - | - | - | 3 | - | - | 5 | 1 | 1 |
| Delays | - | - | 1 | - | - | - | - | - | - | - | - | - | 1 | - |
| Other | 2 | - | 1 | - | - | - | - | - | 3 | 6 | 2 | 5 | 1 | 4 |
| Since the beginning of 2020, have the levels of your work-related stress... | | | | | | | | | | | | | | |
| Increased | 56 | 50 | 60 | 50 | 48 | 55 | 50 | 62 | 56 | 50 | 57 | 65 | 56 | 57 |
| Stayed about the same | 39 | 50 | 37 | 50 | 48 | 36 | 40 | 38 | 37 | 38 | 38 | 25 | 40 | 36 |
| Decreased | 5 | - | 3 | - | 4 | 9 | 10 | - | 7 | 6 | 5 | 10 | 4 | 6 |
| Prefer not to say | - | - | - | - | - | - | - | - | - | 6 | - | - | - | 1 |
| Since the beginning of 2020, have you accessed any of the following to manage work related stress. Please select all that apply. | | | | | | | | | | | | | | |
| Professional supervision | 24 | 33 | 20 | 6 | 14 | 18 | 40 | 15 | 33 | 56 | 23 | 20 | 21 | 29 |
| Counselling | 15 | 33 | 17 | 17 | 5 | 27 | 20 | 0 | 13 | 11 | 9 | 25 | 15 | 13 |
| Friends Panel - talk to friends, peers, colleagues, other counsel, other practitioners/in house support nfi/collegial support/discuss with business partner | 11 | 17 | 14 | 17 | 19 | 18 | - | - | 3 | 11 | 11 | 5 | 12 | 10 |
| Accessed NZLS wellbeing resources | 7 | 33 | 11 | - | 5 | - | - | - | 3 | 11 | 9 | 5 | 7 | 9 |
| Prefer not to say | 18 | - | 11 | 17 | 19 | 9 | 50 | 46 | 17 | 28 | 14 | 25 | 17 | 20 |
| Exercise/hobbies - yoga/massage/reiki | 2 | - | 2 | - | 5 | 9 | - | - | 3 | - | - | - | 3 | - |
| Medical - doctor/GP | 1 | 17 | 1 | - | - | - | - | 8 | - | - | - | - | 2 | - |
| Mentoring | 1 | - | 2 | - | 5 | - | - | - | - | 6 | - | - | 2 | 1 |
| Other | 3 | - | 2 | 17 | 5 | - | - | - | - | - | 2 | - | 3 | 1 |
| None - none of the above | 33 | 33 | 37 | 39 | 29 | 27 | 10 | 31 | 30 | 11 | 45 | 35 | 33 | 35 |
| DK/NR - N/A | 1 | - | 2 | - | - | - | - | - | - | 6 | 2 | - | 1 | 2 |
| In the last two years, which of the following methods have you used to bill relationship property clients? Please select all that apply. | | | | | | | | | | | | | | |
| Time cost and premium | 41 | 33 | 33 | 44 | 43 | 45 | 60 | 46 | 33 | 50 | 45 | 55 | 38 | 49 |
| Time, cost and discount | 77 | 83 | 76 | 67 | 76 | 91 | 70 | 77 | 60 | 89 | 84 | 90 | 74 | 87 |
| Discounted hourly rate | 33 | 33 | 32 | 28 | 24 | 36 | 30 | 23 | 33 | 44 | 41 | 35 | 31 | 40 |
| Time and cost without cap | 40 | 50 | 43 | 28 | 29 | 27 | 40 | 54 | 43 | 39 | 48 | 30 | 40 | 41 |
| Time and cost with cap | 12 | - | 14 | 33 | - | 18 | - | 15 | 7 | 17 | 7 | 20 | 12 | 12 |
| Fixed fee agreed with client | 20 | - | 19 | 11 | 29 | 0 | 50 | 31 | 20 | 6 | 23 | 30 | 20 | 21 |
| Contingency fee [in accordance with Lawyers: Conduct and Client Care] Rules 2008 | 1 | - | 2 | - | - | - | - | - | 3 | - | - | - | 2 | - |
| Legal aid | 30 | 17 | 14 | 22 | 48 | 55 | 80 | 31 | 30 | 50 | 30 | 35 | 28 | 35 |
| Pro bono | 15 | - | 18 | 22 | 14 | 18 | 30 | - | 23 | 17 | 2 | 20 | 18 | 10 |
| And which one do you most commonly use? | | | | | | | | | | | | | | |
| Time, cost and discount | 38 | 67 | 45 | 28 | 33 | 27 | 20 | 54 | 23 | 33 | 44 | 45 | 37 | 42 |
| Time and cost without cap | 27 | 33 | 31 | 22 | 29 | 19 | 10 | 22 | 30 | 22 | 30 | 20 | 27 | 26 |
| Time, cost and premium | 15 | - | 14 | 33 | 14 | 27 | 20 | 8 | 17 | 6 | 11 | 10 | 17 | 10 |
| Legal Aid | 10 | - | 1 | - | 19 | 27 | 40 | - | 13 | 22 | 11 | 10 | 8 | 13 |
| Discounted hourly rate | 3 | - | 2 | - | - | - | - | 8 | 7 | 11 | 2 | 5 | 3 | 5 |
| Time and cost with cap | 3 | - | 5 | 6 | - | - | - | - | 3 | 6 | 2 | - | 3 | 2 |
| Fixed fee agreed with client | 3 | - | 2 | 5 | 5 | - | 10 | 8 | - | - | - | 10 | 3 | 2 |
| Pro-bono | 1 | - | - | 6 | - | - | - | - | 7 | - | - | - | 2 | - |
| In the last two years, did you provide flexible payment options, such as deferred payment terms or prompt payment discounts, to relationship property clients? | | | | | | | | | | | | | | |
| Never | 8 | - | 6 | 6 | 15 | 10 | 10 | 8 | 14 | 6 | 9 | - | 9 | 6 |
| Sometimes | 43 | 50 | 40 | 35 | 40 | 45 | 60 | 30 | 54 | 55 | 43 | 37 | 43 | 45 |
| Often | 42 | 50 | 42 | 53 | 40 | 45 | 30 | 54 | 32 | 39 | 39 | 58 | 41 | 43 |
| Always | 7 | - | 12 | 6 | 5 | - | - | 8 | - | - | 9 | 5 | 7 | 6 |
| For time-based relationship property engagements, what is your current standard hourly rate (exclusive of GST and disbursements)? | | | | | | | | | | | | | | |
| \$101 to \$150 | 1 | - | - | 6 | - | - | - | - | - | - | 5 | - | 1 | 2 |
| \$151 to \$200 | 3 | - | 2 | 12 | - | - | - | - | 7 | 6 | - | - | 3 | 1 |
| \$201 to \$250 | 7 | 17 | 2 | 6 | 20 | 9 | 30 | 8 | 7 | 6 | 5 | 11 | 6 | 6 |
| \$251 to \$300 | 18 | 50 | 14 | 6 | 20 | 19 | 10 | 31 | 11 | 33 | 11 | 37 | 16 | 22 |
| \$301 to \$350 | 22 | - | 17 | 18 | 20 | 36 | 30 | 15 | 21 | 33 | 29 | 26 | 19 | 31 |
| \$351 to \$400 | 29 | 33 | 28 | 40 | 25 | 36 | 20 | 23 | 25 | 22 | 31 | 21 | 28 | 28 |
| \$401 to \$450 | 13 | - | 20 | 6 | 15 | - | 10 | 15 | 21 | - | 14 | - | 16 | 7 |
| \$451 to \$500 | 5 | - | 11 | 6 | - | - | - | 8 | - | - | 5 | - | 6 | 2 |
| \$501 to \$750 | 2 | - | 5 | - | - | - | - | - | 4 | - | - | 5 | 3 | 1 |
| \$1,500+ | - | - | 1 | - | - | - | - | - | - | - | - | - | 1 | - |
| Prefer not to say | - | - | - | - | - | - | - | - | 4 | - | - | - | 1 | - |
| What average level of fees do you typically render for legal advice on a section 21A contracting out agreement (exclusive of GST and disbursements)? | | | | | | | | | | | | | | |
| \$0 to \$500 | 3 | - | 1 | 6 | - | - | 10 | - | - | 6 | 5 | 10 | 2 | 6 |
| \$501 to \$1000 | 18 | 17 | 10 | 17 | 29 | 27 | 20 | 23 | 17 | 16 | 18 | 35 | 16 | 23 |
| \$1001 to \$2000 | 43 | 49 | 42 | 33 | 42 | 64 | 40 | 54 | 33 | 56 | 50 | 40 | 42 | 49 |
| \$2001 to \$5000 | 26 | - | 33 | 44 | 24 | 9 | 20 | 15 | 33 | 16 | 25 | 5 | 28 | 18 |
| \$5001 to \$10000 | 5 | - | 8 | - | 5 | - | - | - | 10 | 6 | - | 5 | 6 | 2 |
| \$10,001 to \$15,000 | 1 | 17 | 2 | - | - | - | - | - | - | - | - | - | 2 | - |
| No section 21 work undertaken | 4 | 17 | 4 | - | - | - | 10 | 8 | 7 | - | 2 | 5 | 4 | 2 |
| What average level of fees do you typically render for resolving a relationship property dispute and rendering a s21A agreement? (exclusive of GST and disbursements)? | | | | | | | | | | | | | | |
| Less than \$2,000 | 7 | 17 | 6 | 11 | 10 | 9 | 10 | 8 | 3 | 6 | - | 20 | 6 | 6 |
| \$2,001 to \$5,000 | 44 | 33 | 29 | 56 | 52 | 55 | 80 | 62 | 40 | 61 | 50 | 45 | 42 | 51 |
| \$5,001 to \$10,000 | 27 | 33 | 31 | 11 | 33 | 18 | - | 30 | 38 | 22 | 30 | 20 | 28 | 26 |
| \$10,001 to \$20,000 | 12 | 17 | 13 | 22 | 5 | 9 | 10 | - | 13 | 11 | 13 | 5 | 12 | 11 |
| \$20,001 to \$50,000 | 4 | - | 13 | - | - | - | - | - | - | - | 2 | - | 6 | 1 |
| \$50,001+ | 3 | - | 7 | - | - | - | - | - | 3 | - | - | - | 4 | - |
| Prefer not to say | 3 | - | 1 | - | - | 9 | - | - | 3 | - | 5 | 10 | 2 | 5 |

| Region | Total | Northland | Auckland | Waikato | Bay of Plenty | Gisborne & Hawke's Bay | Taranaki & Whanganui | Manawatu, Wairarapa, Horowhenua | Wellington | West Coast, Nelson & Marlborough | Canterbury & South Canterbury | Otago & Southland | North Island | South Island |
|--|------------|-----------|-----------|-----------|---------------|------------------------|----------------------|---------------------------------|------------|----------------------------------|-------------------------------|-------------------|--------------|--------------|
| Total Respondents | 275 | 6 | 84 | 18 | 21 | 11 | 10 | 13 | 30 | 18 | 44 | 20 | 193 | 82 |
| | % | % | % | % | % | % | % | % | % | % | % | % | % | % |
| Please select the three most common reasons you have seen for separation since the start of 2020? | | | | | | | | | | | | | | |
| Alcohol/substance abuse | 22 | 33 | 14 | 22 | 29 | 27 | 30 | 15 | 23 | 39 | 16 | 35 | 20 | 26 |
| Business problems | 4 | - | 4 | 6 | - | - | - | - | 3 | 6 | 5 | 10 | 3 | 6 |
| Domestic abuse | 28 | 50 | 17 | 17 | 54 | 36 | 50 | 8 | 30 | 59 | 36 | 5 | 26 | 34 |
| Growing apart/falling out of love | 74 | 67 | 74 | 71 | 59 | 92 | 70 | 85 | 81 | 56 | 75 | 65 | 73 | 69 |
| Extra marital affair | 44 | 17 | 55 | 50 | 33 | 55 | 30 | 46 | 33 | 28 | 45 | 40 | 46 | 40 |
| Financial/money worries | 21 | 50 | 24 | 17 | 19 | - | 20 | 23 | 17 | 11 | 23 | 35 | 21 | 23 |
| Family strains | 28 | 17 | 31 | 28 | 29 | 18 | 20 | 46 | 37 | 17 | 23 | 25 | 31 | 22 |
| Mid-life crisis | 16 | - | 14 | 22 | 5 | 18 | 10 | 15 | 23 | 11 | 23 | 10 | 15 | 17 |
| Unreasonable behaviour | 32 | 33 | 35 | 28 | 48 | 27 | 20 | 31 | 17 | 28 | 27 | 50 | 31 | 33 |
| Mental Health | 17 | 33 | 19 | 17 | 14 | 9 | 20 | 23 | 13 | 22 | 18 | 10 | 18 | 17 |
| Sexuality/gender issues | 1 | - | 1 | - | - | - | - | - | - | - | - | 10 | 1 | 2 |
| Capacity issues | - | - | - | - | 5 | - | - | - | - | - | - | - | 1 | - |
| Covid-19 impacts | 11 | - | 11 | 22 | 5 | 18 | 30 | 8 | 13 | 11 | 9 | 5 | 12 | 9 |
| Other | 1 | - | 1 | - | - | - | - | - | 3 | 6 | - | - | 1 | 1 |
| DK/NR/NA | 1 | - | - | - | - | - | - | - | 7 | 6 | - | - | 1 | 1 |
| Did any of your clients decide to continue in their relationship because of Covid-19 related impacts? | | | | | | | | | | | | | | |
| Yes | 20 | - | 26 | 28 | 5 | 18 | 20 | 15 | 17 | 28 | 20 | 10 | 20 | 20 |
| No | 34 | 67 | 31 | 39 | 52 | 9 | 30 | 15 | 23 | 39 | 36 | 45 | 32 | 39 |
| Do not know / prefer not to say | 46 | 33 | 43 | 33 | 43 | 73 | 50 | 70 | 60 | 33 | 44 | 45 | 48 | 41 |
| Please select which of the following bands for net relationship property pool (including related trusts) you have provided advice on in the past two years? Please select all that apply. | | | | | | | | | | | | | | |
| Less than \$500k | 68 | 83 | 58 | 50 | 71 | 91 | 80 | 69 | 73 | 78 | 68 | 80 | 66 | 73 |
| \$500k to \$1 million | 75 | 100 | 71 | 72 | 81 | 100 | 80 | 85 | 70 | 83 | 70 | 70 | 76 | 73 |
| \$1m to \$2.5 million | 75 | 67 | 81 | 72 | 67 | 91 | 50 | 85 | 70 | 78 | 73 | 70 | 76 | 73 |
| \$2.5m to \$5 million | 48 | 33 | 62 | 39 | 33 | 55 | 40 | 38 | 57 | 33 | 43 | 40 | 52 | 40 |
| \$5.01m to \$7.5 million | 27 | 17 | 40 | 28 | 24 | 18 | 20 | 31 | 23 | 11 | 20 | 20 | 31 | 18 |
| \$7.51m to \$10 million | 18 | - | 30 | 22 | 10 | - | 10 | 15 | 17 | - | 16 | 20 | 20 | 13 |
| \$10.01m to \$15 million | 15 | - | 24 | 6 | 14 | - | 10 | 15 | 13 | - | 20 | 10 | 16 | 13 |
| More than \$15 million | 16 | 17 | 30 | 6 | 10 | - | 10 | - | 13 | - | 16 | 10 | 18 | 11 |
| And which is the most common net relationship property pool band you have provided advice on? | | | | | | | | | | | | | | |
| Less than \$500k | 15 | - | 6 | 6 | 29 | 18 | 40 | 16 | 13 | 22 | 16 | 30 | 12 | 21 |
| \$500k to \$1 million | 36 | 67 | 17 | 44 | 37 | 36 | 50 | 38 | 34 | 61 | 48 | 45 | 30 | 50 |
| \$1m to \$2.5 million | 35 | 33 | 46 | 44 | 29 | 46 | 10 | 38 | 44 | 11 | 25 | 15 | 41 | 20 |
| \$2.5m to \$5 million | 7 | - | 18 | 6 | - | - | - | - | 3 | 6 | 5 | 5 | 9 | 5 |
| \$5.01m to \$7.5 million | 2 | - | 5 | - | 5 | - | - | 8 | - | - | - | - | 3 | - |
| \$7.51m to \$10 million | 2 | - | 2 | - | - | - | - | - | 3 | - | 2 | 5 | 2 | 2 |
| \$10.01m to \$15 million | - | - | - | - | - | - | - | - | - | - | 2 | - | - | 1 |
| More than \$15 million | 3 | - | 6 | - | - | - | - | - | 3 | - | 2 | - | 3 | 1 |
| On matters on which you are instructed, what is the average time it takes to resolve a relationship property dispute and complete a s21A agreement? | | | | | | | | | | | | | | |
| Less than 6 months | 23 | 17 | 20 | 39 | 19 | 45 | 30 | 46 | 20 | 17 | 18 | 20 | 25 | 18 |
| 6 to 12 months | 54 | 49 | 45 | 55 | 71 | 45 | 50 | 46 | 63 | 72 | 57 | 55 | 52 | 60 |
| 13 to 24 months | 19 | 17 | 27 | 6 | 10 | 10 | 20 | 8 | 14 | 11 | 23 | 25 | 18 | 21 |
| 2 years to 5 years | 4 | 17 | 8 | - | - | - | - | - | 3 | - | 2 | - | 5 | 1 |
| How have Covid-19 impacts affected the rates of settlement of relationship property matters? | | | | | | | | | | | | | | |
| Increased | 24 | 17 | 26 | 22 | 38 | 27 | 30 | 23 | 13 | 28 | 20 | 20 | 25 | 22 |
| Stayed about the same | 46 | 83 | 39 | 33 | 48 | 46 | 30 | 54 | 57 | 44 | 48 | 50 | 45 | 48 |
| Decreased | 11 | - | 17 | 28 | - | - | 20 | 8 | 7 | 11 | 7 | 10 | 12 | 8 |
| Don't know | 19 | - | 18 | 17 | 14 | 27 | 20 | 15 | 23 | 17 | 25 | 20 | 18 | 22 |
| Have you experienced difficulties in achieving remote signing of section 21 or 21A agreements during Covid-19 level 3 or level 4 lockdown periods? | | | | | | | | | | | | | | |
| Yes | 26 | 50 | 33 | 44 | 29 | - | 10 | 31 | 20 | 22 | 25 | 10 | 29 | 21 |
| No | 68 | 33 | 63 | 56 | 62 | 91 | 90 | 62 | 77 | 67 | 66 | 85 | 66 | 71 |
| No section 21 or 21A work undertaken | 6 | 17 | 4 | - | 9 | 9 | - | 7 | 3 | 11 | 9 | 5 | 5 | 8 |
| How many of your relationship property matters had hearings that did not proceed due to Covid-19 lockdowns (including interlocutory matters)? | | | | | | | | | | | | | | |
| None | 57 | 33 | 46 | 45 | 66 | 91 | 70 | 100 | 54 | 44 | 64 | 60 | 56 | 59 |
| 1-2 | 27 | 67 | 28 | 22 | 24 | 9 | 30 | - | 30 | 39 | 23 | 35 | 25 | 29 |
| 3-5 | 14 | - | 24 | 22 | 1- | - | - | - | 13 | 17 | 11 | 5 | 16 | 11 |
| 6-10 | 1 | - | 2 | 11 | - | - | - | - | - | - | - | - | 2 | - |
| More than 10 | 1 | - | - | - | - | - | - | - | 3 | - | 2 | - | 1 | 1 |
| How many of your relationship property matters had interlocutory hearings that did not proceed due to Covid-19 lockdowns? | | | | | | | | | | | | | | |
| None | 66 | 50 | 55 | 56 | 71 | 91 | 90 | 92 | 67 | 67 | 66 | 75 | 65 | 68 |
| 1-2 | 24 | 50 | 32 | 16 | 24 | 9 | 10 | 8 | 27 | 22 | 20 | 25 | 25 | 22 |
| 3-5 | 9 | - | 11 | 28 | 5 | - | - | - | 3 | 11 | 14 | - | 8 | 10 |
| 6-10 | 1 | - | 2 | - | - | - | - | - | - | - | - | - | 1 | - |
| More than 10 | - | - | - | - | - | - | - | - | 3 | - | - | - | 1 | - |
| In the last two years, has the allocation of court time for relationship property cases.... | | | | | | | | | | | | | | |
| Got better | 5 | 17 | 6 | - | 5 | 9 | - | 8 | 3 | - | 8 | - | 5 | 4 |
| Stayed about the same | 34 | 33 | 37 | 28 | 43 | 45 | 30 | 31 | 27 | 44 | 27 | 30 | 35 | 32 |
| Got worse | 37 | 50 | 39 | 33 | 28 | 28 | 40 | 23 | 37 | 28 | 45 | 40 | 36 | 40 |
| I have not applied for court time | 24 | - | 18 | 39 | 24 | 18 | 30 | 38 | 33 | 28 | 20 | 30 | 24 | 24 |
| In the last two years, have you been involved in a long cause fixture on a relationship property matter? | | | | | | | | | | | | | | |
| Yes | 32 | 17 | 45 | 22 | 38 | 9 | 10 | 15 | 37 | 22 | 27 | 25 | 34 | 26 |
| No | 68 | 83 | 55 | 78 | 62 | 91 | 90 | 85 | 63 | 78 | 73 | 75 | 66 | 74 |
| In the last two years what has been the usual timeframe between the date the hearing is requested for a long-cause fixture and the date the matter is set down for hearing? | | | | | | | | | | | | | | |
| Less than 3 months | 1 | - | 2 | - | - | - | - | - | - | - | - | - | 2 | - |
| 4 to 6 months | 29 | 100 | 42 | 50 | 25 | 100 | - | 50 | 9 | - | 8 | - | 36 | 5 |

| Region | Total | Northland | Auckland | Waikato | Bay of Plenty | Gisborne & Hawke's Bay | Taranaki & Whanganui | Manawatu, Wairarapa, Horowhenua | Wellington | West Coast, Nelson & Marlborough | Canterbury & South Canterbury | Otago & Southland | North Island | South Island |
|---|------------|-----------|-----------|-----------|---------------|------------------------|----------------------|---------------------------------|------------|----------------------------------|-------------------------------|-------------------|--------------|--------------|
| Total Respondents | 275 | 6 | 84 | 18 | 21 | 11 | 10 | 13 | 30 | 18 | 44 | 20 | 193 | 82 |
| | % | % | % | % | % | % | % | % | % | % | % | % | % | % |
| 7 to 10 months | 41 | - | 32 | 25 | 50 | - | - | - | 55 | 75 | 67 | 40 | 35 | 62 |
| More than 10 months | 29 | - | 24 | 25 | 25 | - | 100 | 50 | 36 | 25 | 25 | 60 | 27 | 33 |
| In the last two years, within what timeframe have long-cause relationship property decisions usually been delivered on conclusion of the hearing? | | | | | | | | | | | | | | |
| Less than one month | 16 | - | 11 | - | 26 | - | 100 | 50 | 18 | 25 | 17 | 20 | 15 | 19 |
| 2 to 3 months | 51 | 100 | 45 | 75 | 62 | 100 | - | - | 28 | 75 | 75 | 40 | 45 | 67 |
| 4 to 6 months | 24 | - | 29 | 25 | 12 | - | - | 50 | 36 | - | 8 | 40 | 27 | 14 |
| More than 6 months | 9 | - | 15 | - | - | - | - | - | 18 | - | - | - | 13 | - |
| Since the start of 2020, have your clients' indicated knowledge about the Law Commission's proposals (such as treatment of the family home and replacement of section 15/spousal maintenance)? | | | | | | | | | | | | | | |
| Yes | 22 | 17 | 30 | 22 | 10 | 18 | 20 | 15 | 17 | 33 | 20 | 15 | 22 | 22 |
| No | 78 | 83 | 70 | 78 | 90 | 82 | 80 | 85 | 83 | 67 | 80 | 85 | 78 | 78 |
| In the last two years, have your clients' response to the non-implementation of the Law Commission proposals generally been... | | | | | | | | | | | | | | |
| Unfavourable | 33 | 100 | 40 | - | 50 | - | - | 50 | 20 | - | 44 | 67 | 33 | 33 |
| Neither favourable nor unfavourable | 28 | - | 28 | 25 | 50 | 0 | 50 | 50 | 20 | 50 | 12 | 33 | 28 | 28 |
| Favourable | 28 | - | 24 | 75 | - | 50 | - | - | 60 | 33 | 22 | - | 30 | 22 |
| Don't know | 11 | - | 8 | - | - | 50 | 50 | - | - | 17 | 22 | - | 9 | 17 |
| Since the start of 2020, have you instructed a forensic accountant? | | | | | | | | | | | | | | |
| Yes | 46 | 50 | 69 | 33 | 48 | 36 | 30 | 23 | 40 | 11 | 43 | 35 | 51 | 34 |
| No | 54 | 50 | 31 | 67 | 52 | 64 | 70 | 77 | 60 | 89 | 57 | 65 | 49 | 66 |
| Please select the areas in which you have instructed a professional over the last 2 years. Please select all that apply. | | | | | | | | | | | | | | |
| Business and share valuations | 94 | 100 | 97 | 100 | 90 | 100 | 67 | 100 | 83 | 100 | 100 | 86 | 94 | 96 |
| Section 15 - Economic disparity | 60 | 33 | 76 | 67 | 60 | 25 | 33 | 33 | 50 | - | 53 | 29 | 65 | 43 |
| Identification of undisclosed assets and income | 31 | 67 | 36 | 17 | 20 | - | 67 | - | 33 | - | 32 | 14 | 32 | 25 |
| Taxation issues | 25 | - | 22 | - | 30 | 25 | 33 | 33 | 25 | 50 | 37 | 29 | 22 | 36 |
| Section 44C - Compensation for property disposed of to trust | 24 | 67 | 19 | 17 | 30 | 25 | 33 | 33 | 25 | - | 21 | 43 | 23 | 25 |
| Section 18B - Compensation for contributions made after separation | 19 | - | 21 | 17 | 30 | 25 | - | 33 | 17 | - | 16 | 14 | 20 | 14 |
| Section 9A - When separate property becomes relationship property | 16 | 33 | 19 | - | 50 | - | - | - | 8 | - | 5 | 14 | 18 | 7 |
| Section 18C - Dissipation of relationship property after separation | 11 | - | 14 | 17 | 30 | 25 | - | - | - | - | 5 | - | 13 | 4 |
| Section 17A - Sustenance/diminution of separate property | 10 | - | 10 | - | 20 | 25 | - | - | 17 | - | 5 | 14 | 11 | 7 |
| Section 18A - Effect of misconduct of spouses or partners | 5 | - | 5 | - | 10 | 25 | - | - | 8 | - | - | - | 6 | - |
| Other | 5 | - | 7 | - | - | - | - | - | 8 | - | - | 14 | 5 | 4 |
| Section 44 | 1 | - | 2 | - | - | - | - | - | - | - | - | - | 1 | - |
| DK/NR/NA | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| In the last two years, have you been involved in any engagements where a single forensic accountant was instructed on behalf of both parties (as opposed to each party appointing their own expert)? | | | | | | | | | | | | | | |
| Yes | 38 | - | 45 | 50 | 30 | 25 | 67 | 33 | 25 | 50 | 32 | 29 | 39 | 32 |
| No | 62 | 100 | 55 | 50 | 70 | 75 | 33 | 67 | 75 | 50 | 68 | 71 | 61 | 68 |
| On relationship property matters, would you be in favour of a regime which would require the appointment of a single joint forensic accountant in the first instance? | | | | | | | | | | | | | | |
| Yes | 61 | 83 | 58 | 56 | 62 | 73 | 40 | 62 | 60 | 83 | 57 | 55 | 60 | 62 |
| No | 21 | 17 | 19 | 33 | 24 | 9 | 10 | 30 | 30 | 6 | 23 | 25 | 22 | 20 |
| Not sure/prefer not to say | 18 | - | 23 | 11 | 14 | 18 | 50 | 8 | 10 | 11 | 20 | 20 | 18 | 18 |
| Please indicate the three most important attributes that a forensic accountant needs to possess in relationship property matters. | | | | | | | | | | | | | | |
| Effective oral communicator | 10 | - | 13 | 11 | - | - | 20 | 8 | 10 | 11 | 11 | 10 | 10 | 11 |
| Effective written communicator | 35 | 33 | 27 | 17 | 18 | 46 | 50 | 46 | 40 | 33 | 50 | 40 | 31 | 44 |
| Critical/strategic thinker | 19 | - | 23 | 11 | 10 | 18 | 30 | 15 | 20 | 17 | 14 | 30 | 19 | 18 |
| Strong credentials (qualifications and professional memberships) | 30 | 50 | 37 | 22 | 33 | 18 | 40 | 8 | 33 | 44 | 20 | 20 | 32 | 26 |
| Expert witness experience | 21 | 50 | 25 | 22 | 10 | 27 | 20 | 31 | 20 | 22 | 16 | 15 | 23 | 16 |
| Good knowledge of relationship property law | 65 | 33 | 68 | 89 | 71 | 64 | 60 | 54 | 70 | 56 | 64 | 50 | 68 | 59 |
| Good assignment management | 5 | 17 | 6 | 17 | 5 | 9 | - | - | - | - | 5 | 5 | 6 | 4 |
| Cost effective | 49 | 17 | 40 | 44 | 67 | 36 | 40 | 61 | 47 | 50 | 61 | 65 | 45 | 60 |
| Independent | 63 | 83 | 57 | 67 | 86 | 82 | 40 | 69 | 57 | 67 | 57 | 65 | 63 | 61 |
| Other | 3 | 17 | 4 | - | - | - | - | 8 | 3 | - | 2 | - | 3 | 1 |
| Since the start of 2020, has the time required to obtain reports from forensic accountants and other professionals (such as property valuers)... | | | | | | | | | | | | | | |
| Increased | 31 | - | 33 | 33 | 30 | - | 67 | - | 17 | 50 | 32 | 57 | 28 | 39 |
| Stayed about the same | 69 | 100 | 67 | 67 | 70 | 100 | 33 | 100 | 83 | 50 | 68 | 43 | 72 | 61 |



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