

*The Civil Aviation (Cargo Agents' Commission Regime) Notice  
1983*

PURSUANT to section 29A (6) of the Civil Aviation Act 1964, the Minister of Civil Aviation and Meteorological Services hereby gives the following notice.

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NOTICE

**1. Title and commencement**—(1) This notice may be cited as the Civil Aviation (Cargo Agents' Commission Regime) Notice 1983.

(2) This notice shall come into force on the day after the date of its publication in the *Gazette*.

**2. Interpretation**—(1) In this notice, unless the context otherwise requires,—

“The Act” means the Civil Aviation Act 1964;

“Approved agent” means a person who or which is an approved cargo agent or an approved general cargo agent;

“Approved cargo agent” means a person—

(a) Whose name (whether or not it appears on any other such list) for the time being appears on a single list of agents and locations maintained by a carrier within New Zealand for the purpose (in this notice referred to as an approved cargo agents' names and locations list); and

(b) Who or which is not an unsuitable person; and

(c) Who or which is not a carrier or an approved general cargo agent; and

(d) Who or which neither has, nor has any right to, 30 percent or more of the ownership, property, management, or profits, of a carrier or an approved general cargo agent (not being an approved general cargo agent engaged in the provision of surface transportation); and

(e) Of whose ownership, property, management, or profits, no carrier or approved general cargo agent (not being an approved general cargo agent engaged in the provision of surface transportation) has, or has a right to, 30 percent or more; and

(f) Of whose ownership, property, management, or profits, no person or group of persons (being a person or group of persons, in the opinion of that carrier, having, or having a right to, 30 percent or more of the ownership, property, management, or profits of an approved general cargo agent, whether directly or indirectly), in the opinion of that carrier, has, or has a right to, 30 percent or more, whether directly or indirectly; and

(g) Not more than 30 percent of the cargo consigned or to be consigned through whom or which is owned by that agent; and

(h) Who or which has at least one suitable location in New Zealand occupied by that person (not situated in premises that are, or are part of, or contain, office premises occupied by a carrier); and

(i) Who or which is not engaged, directly or indirectly, in the sale of carriage on charters operated under agreements that provide for some arrangement other than the charter by the operator of the aircraft concerned of all the capacity of that aircraft to one or more shippers for the carriage of the goods of that shipper or those shippers only; and

(j) Who or which has a current cargo sales agency agreement with that carrier;—

and, in relation to any carrier, means an approved cargo agent of that carrier:

“Approved general cargo agent” means a person—

(a) Whose name (whether or not it appears on any other such list) for the time being appears (whether as a direct agent or as a subcontracted agent of a direct agent) on a single list of agents and locations maintained by a carrier within New Zealand for the purpose (in this notice referred to as an approved general cargo agents' names and locations list); and

(b) Who or which is not an unsuitable person; and

(c) Who or which is not an approved passenger agent or an approved cargo agent; and

(d) Who or which neither has, nor has any right to, 30 percent or more of the ownership, property, management, or profits of an approved passenger agent or approved cargo agent; and

(e) Of whose ownership, property, management, or profits, no approved passenger agent or approved cargo agent has, or has a right to, 30 percent or more; and

(f) Of whose ownership, property, management, or profits, no person or group of persons (being a person or group of persons, in the opinion of that carrier having, or having a right to, 30 percent or more of the ownership, property, management, or profits of an approved cargo agent or approved passenger agent, whether directly or indirectly), in the opinion of that carrier, has, or has a right to, 30 percent or more, whether directly or indirectly;

(g) Who or which is neither employed by nor associated with any other person (not being a person engaged directly in the provision of transportation of some kind) who or which is, in the opinion of the carrier concerned, likely to generate or control more than one quarter of the total sales of carriage in the defined territory or proposed defined territory concerned; and

(h) Who or which has a current general cargo agency agreement with that carrier; and

(i) Where that agreement contains any provision to the effect that the agent is to, or is employed to, arrange carriage on his services of the carrier, who or which has at least one suitable location in New Zealand;— and, in relation to any carrier, means an approved general cargo agent of that carrier:

“Approved passenger agent” and “approved passenger location” have the meanings assigned to them by clause 2 (1) of the Civil Aviation (Passenger Agents' Commission Regime) Notice 1983:

“Arrangement”, in relation to any carriage and any approved agent, means—

(a) The sale of that carriage by that agent; and

(b) The making of reservations relating to that carriage,—

(i) By that agent; or

(ii) By a carrier on whose services that carriage or any part of it is to take place, at the request of that agent; and

(c) The completion and verification of a waybill in relation to that carriage,—

(i) By that agent; or

(ii) By a carrier on whose services that carriage or any part of it is to take place, at the request of that agent; and

(d) The delivery, or arrangement of the delivery, by that agent, of the cargo concerned to the appropriate airport when ready for carriage; and

(e) The retention by that agent of all accounting documents relating to that carriage;— and “to arrange” has a corresponding meaning:

“Cargo” means any goods carried, or intended to be carried, by air that do not comprise—

(a) Mail or other goods carried under the terms of any international postal convention; or

(b) Passenger baggage; or

(c) The property of the carrier concerned:

“Cargo sales agency agreement” means a sales agency agreement relating to the arrangement by the agent concerned of carriage on the services of the carrier concerned, and containing (*inter alia*) provisions to the effect that—

(a) The agent is at all times to maintain a bond, guarantee, or other such device, that, in the opinion of the carrier, adequately protects the carrier and the agent's customers against the insolvency of the agent; and

(b) Until any waybill forms supplied to the agent by or on behalf of the carrier or the management of a standard cargo plan are issued to a customer in respect of carriage that has been sold by the agent to that customer,—

(i) Those documents are to remain the property of the carrier or, as the case requires, the management of the standard cargo plan; and

(ii) The agent is to have no proprietary rights in respect of those documents; and

(c) All carrier identification plates supplied by the carrier to the agent are to remain the property of the carrier and the agent is to have no proprietary rights in respect of those plates; and

(d) The agent is to take such steps as the carrier specifies in respect of the safekeeping of waybill forms and carrier identification plates so supplied; and

(e) The agent is to verify every waybill completed by the agent in respect of carriage on the services of the carrier with a stamp bearing a numerical code that identifies that agent; and

(f) The agent is not to pay money received in respect of carriage arranged by the agent into any bank account into which there is at any time paid any money that is not received in respect of carriage arranged by the agent; and

(g) All money received by the agent in respect of carriage on the services of the carrier, or in respect of any related services (including any commission withheld by the agent