

- (b) That carriage is paid for by a government bill of lading drawn in favour of that approved agent; or
- (c) That carriage was arranged by an approved general cargo agent and paid for directly to a carrier.

10. Payments pursuant to interline agreements—(1) Subject to the provisions of this notice, any carrier may pay to any other carrier with which that first-mentioned carrier has an interline agreement, in respect of carriage on the services of that first-mentioned carrier arranged by that other carrier, a commission of not more than 5 percent of the lawful charge for that carriage.

(2) No commission shall be paid under subclause (1) of this clause—

(a) Unless—

- (i) The lawful charge for the carriage concerned; or
 - (ii) That charge reduced by the amount of that commission,—
- has been paid to the carrier on whose services the carriage is arranged:

(b) On any sum refunded in respect of cancelled or unused carriage.

(3) In subclause (4) of this clause,—

“Carrier agent”, in relation to any carrier, means an approved general cargo agent of that carrier that is also a carrier:

“Maximum commission”, in relation to any carriage on the services of a carrier arranged by a carrier agent, means the greater of the following amounts:

(a) The commission payable by that carrier to that agent in respect of the arrangement of that carriage, under clause 4 of this notice:

(b) The greatest commission payable by that carrier to that agent in respect of the arrangement of that carriage, under subclause (1) of this clause.

(4) No carrier shall pay to any carrier agent in respect of the arrangement of any carriage on the services of that carrier any commissions under—

(a) Clause 4 of this notice; or

(b) Subclause (1) of this clause—

that together exceed the maximum commission.

11. Beneficial services, fees, charges, etc.—(1) To the extent that the doing of any of the following things may constitute paying a commission, a principal may pay any such commission:

- (a) Furnish to any approved cargo agent any display, advertising support material, or promotional literature, relating to carriage or to related services, of a kind used by the principal for its own purposes:
- (b) Advertise, at normal commercial rates, in any trade journal published by approved cargo agents or any approved cargo agent:
- (c) Pay not more than half the cost to an approved cargo agent of any standard telephone link between that agent and the principal:
- (d) Provide any manual, or other instructions or guidance, to assist an approved cargo agent in his or its business:
- (e) Provide or arrange reasonable entertainment for any approved cargo agent:
- (f) In accordance with local custom, make any gift of congratulation or condolence to an approved cargo agent:

(g) Assist any approved general cargo agent in the performance of his or its cargo sales and service functions.

(2) Without limiting the generality of paragraph (g) of subclause (1) of this clause, assistance to any agent under that paragraph may include—

(a) The provision of or assistance with any promotional or advertising campaign:

(b) The bearing of any extraordinary or exceptional expenses connected with such a campaign:

(c) The reimbursement to the agent of any expenditure that was—

- (i) Of a kind normally passed on to principals; or
- (ii) Of an exceptional nature, and requested or authorised by the principal.

12. Payments by carriers to officers, employees, etc.—Any carrier may pay to any person who is a director, officer, or full-time employee of that carrier, any commission it thinks fit in relation to carriage arranged or sold by that person.

13. Payments in respect of subcontracted functions of carriers—Where any person has agreed with any carrier to perform on behalf of that carrier a function of a kind normally performed by carriers and not by approved agents, that carrier may pay to that person in respect of the performance of that function any commission it thinks fit.

14. Retrospective payments—After the entry of the name of any person or the address of any location on approved cargo agents' names and locations list, there may be paid to any person any commission that might have been paid to that person under this notice if that entry had been made as soon as it was applied for.

Dated at Wellington this 8th day of September 1983.

GEORGE F. GAIR,
Minister of Civil Aviation and Meteorological Services.

EXPLANATORY NOTE

This note is not part of the notice, but is intended to indicate its general effect.

This notice contains, in an amended form, those provisions of the Civil Aviation (Agents' Commission Regime) Notice 1983 that related to the international carriage by air of cargo. A separate notice, revoking that notice, has been promulgated relating to the international carriage by air of passengers and their baggage.

The amendments have 2 effects, first, some drafting simplifications have been made possible by the splitting of the original notice; and some other drafting amendments have been made. Secondly, clauses 4 and 5 have been expanded (in relation to the equivalent provisions of the original notice) so as to deal exhaustively with the payment of commission in relation to the arrangement of the carriage of cargo on a payment on delivery basis.