

carrier's behalf) providing for that other person to act as an agent in relation to the arrangement of travel on the services of that carrier:

"Standard bank plan" means an agreement between one or more approved agents and one or more principals to appoint and authorise a bank or other organisation, for the purpose of facilitating the provision and issue of traffic documents to agents, and the accounting for and settlement of debts between principal and agent, to perform (*inter alia*) all or any of the following functions in relation to travel and the carriage of baggage:

(a) The receipt of sales transmittals from agents and the extraction and processing of information from those transmittals;

(b) The rendering of billings to agents;

(c) The receipt of remittances from agents;

(d) The disbursement of money to principals:

"Suitable location", in relation to any person, means a location occupied by that person (not situated at an airport or in office premises that are, or are part of, or contain, office premises occupied by any other person who is a party to a sales agency agreement)—

(a) Where, during ordinary business hours, there are continuously employed, or for a period of 3 months ending within the previous 60 days there were continuously employed—

(i) At least 2 qualified persons; or

(ii) One qualified person and at least one student member of the New Zealand Institute of Travel; or

(b) Where, during ordinary business hours, there is continuously employed at least one person who has demonstrated (in the opinion of the principal concerned) a satisfactory ability to arrange travel, if that principal is satisfied that—

(i) That location is in a small community; and

(ii) At any time during the previous 3 years there was in that community no other suitable location:

"Traffic document" means any passenger ticket form, baggage check form, miscellaneous charges order form, or other accountable form (being a form for travel or for other carriage or services connected with travel, whether issued manually, mechanically, or electronically), and whether or not bearing the preprinted identification of an individual carrier, supplied to approved agents for issue to their customers,—

(a) By a principal; or

(b) Under a standard bank plan:

"Transportation order" means a form approved by a carrier against which (when completed with the names of the passengers concerned, the routing itinerary, the class of travel, and the fare) that carrier has agreed to issue tickets for the travel of those passengers:

"Travel" means any carriage of passengers to which this notice applies:

"Unsuitable person" means a person who or which—

(a) Being an individual person (and not being a person who, in the opinion of the carrier concerned, either was not responsible for any of the acts and omissions leading to the indebtedness concerned or can now be relied upon to act properly as an agent)—

(i) Is (or is or was a director, shareholder, or person involved in the general management of a person that is) in default under a sales agency agreement with any carrier and owes it money; or

(ii) Was (or is or was a director, shareholder, or person involved in the general management of a person that was) at any time in default under a sales agency agreement with any carrier and met any of his or its debts to that carrier by recourse to a financial bond or guarantee; or

(b) Not being an individual person—

(i) Is in default under a sales agency agreement with any carrier and owes it money; or

(ii) Was at any time in default under a sales agency agreement with any carrier and met any of its debts to that carrier by recourse to a financial bond or guarantee; or

(iii) Has a director, shareholder, or person involved in its management, who is an unsuitable person.

(2) Every expression defined in section 2 or section 29A (12) of the Act shall have the meaning assigned to it by that section.

(3) Where any provision of this notice provides that any person may pay any commission to any other person, that provision shall be construed as providing that—

(a) That first-mentioned person may allow, disburse, give, pay, or provide, that commission to that other person; and

(b) That other person may charge, demand, or retain, that commission from that first-mentioned person.

(4) Where a principal of any approved passenger agent has for the time being an interline agreement with any other carrier, this notice shall apply to that agent, and to the payment of commission to that agent under this notice, as if that other carrier were a part of that principal.

**3. Application**—This notice applies to all carriage of passengers, and to all carriage of passengers' baggage.

**4. Payment of commission to approved agents**—(1) Subject to the provisions of this notice, if, and only if, any approved agent arranges at an approved location any travel on the services of a principal (not being travel that forms part of an inclusive tour or travel by charter), that principal may pay to that agent a commission of 9 percent of the lawful fare for that travel.

(2) Subject to the provisions of this notice, if, and only if, any approved agent arranges at an approved location or approved tour location any travel on the services of a principal (being travel that forms part of an inclusive tour and not travel by charter), that principal may pay to that agent a commission of 9 percent of the lawful fare for that travel.

(3) Subject to the provisions of this notice, if, and only if, any approved agent arranges at an approved location or approved tour location travel by charter under a written agreement with a single charterer and a principal for the entire capacity of an aircraft of that principal, that principal may pay to that agent a commission of not more than 5 percent of—

(a) The charter price; less

(b) The sum of all taxes, demurrage, and special handling charges, applicable to that travel.

(4) Subject to the provisions of this notice, if, and only if, an approved agent (not being a carrier) has at an approved location or approved tour location collected the lawful fare for travel on the services of a principal and requested the issue of a prepaid ticket advice relating to that travel, that principal may pay to that agent a commission of 9 percent of that fare.

(5) Subject to the provisions of this notice, if, and only if,—

(a) An approved agent (not being a carrier) has at an approved location or approved tour location arranged any travel on the services of a principal pursuant to a prepaid travel advice; and

(b) The lawful fare for that travel has been paid directly to a carrier,—

that principal may pay to that agent a commission of 9 percent of that fare.

(6) Subject to the provisions of this notice, if, and only if,—

(a) An approved passenger agent has at an approved location or approved tour location arranged any travel on the services of a principal pursuant to a prepaid travel advice; and

(b) That advice was arranged by an approved agent to whom commission may be paid under subclause (4) of this clause in respect of that travel,—

that principal may pay to that first-mentioned agent commission (being a handling fee) equivalent to US\$5.

(7) No commission shall be paid to any agent under subclause

(6) of this clause in respect of any travel—

(a) Until the travel has begun; or

(b) If any commission may be paid to the agent under subclause (4) of this clause in respect of the travel; or

(c) In respect of the presentation of a return or continuing portion of a round trip ticket or circle trip ticket, or of an exchange order.

**5. Overriding commissions**—(1) Subject to the provisions of this notice, if a principal may under any of subclauses (1), (2), and (4) of clause 4 of this notice pay any commission to any approved general sales agent, that principal may, in addition, pay to that agent—

(a) A commission of not more than 3 percent of the lawful fare for the travel concerned or, as the case requires, of the appropriate proportion of the lawful fare for some travel of which that travel forms part;

(b) A commission of 9 percent of the lawful fare for any travel of the passengers concerned on a connecting through air service arranged at the approved location concerned (not being travel by charter).

(2) Subject to the provisions of this notice, if a principal may under clause 4 (3) of this notice pay any commission to any approved general sales agent, that principal may, in addition, pay to that agent—

(a) A commission of not more than 60 percent of that first-mentioned commission;

(b) A commission of 9 percent of the lawful fare for any travel arranged at the approved location concerned (not being travel by charter) of the passengers concerned on a connecting through air service;

(c) A commission of not more than 5 percent of—

(i) The charter price of any travel arranged at that location of the passengers concerned by connecting through air charter; less

(ii) The sum of all taxes, demurrage, and special handling charges, applicable to that travel.