

the principal) shall, as soon as is practicable after its receipt, be paid into a bank account, and shall—

- (i) Remain the property of the principal; and
- (ii) Be held in trust for the principal,—

until it has been satisfactorily accounted for to the principal; and

(h) The agent is to notify the principal, as soon as is practicable after a location of that agent ceases to be an approved passenger location, of the fact that it has ceased to be an approved passenger location, and the date upon which it ceased to be an approved passenger location, and the reasons for its ceasing to be an approved passenger location; and

(i) The agent is, at every approved passenger location, to promote the carriage of passengers on the services of the principal; and

(j) The agent is, at every approved passenger location, to arrange the carriage of passengers on those services; and

(k) The agent is, at every approved passenger location, to retain copies of all receipts issued in respect of fares collected in respect of the carriage of passengers on those services so arranged; and

(l) The agent is to account to the principal for all money collected in respect of the carriage of passengers on those services so arranged:

“Person” includes a body of persons and a body corporate:

“Prepaid ticket advice” means a notification to a carrier or an agent in one place that the lawful fare or other payment for the arrangement by that carrier or agent of some carriage specified in that advice has been paid at some other place:

“Prepaid transportation” means carriage arranged pursuant to a prepaid ticket advice that was issued in a country other than that where the ticket for that carriage is delivered to a customer:

“Principal”, in relation to any agent who arranges any carriage on the services of a carrier with which that agent has a sales agency agreement, means that carrier:

“Qualified person” means a person who—

(a) Is qualified under the New Zealand Aviation and Travel Industry Training Board Structured Travel Industry Training Programme to level 2 (Advanced Certificate of Travel Competency); or

(b) Is a member of the New Zealand Institute of Travel:

“Qualifying inclusive tour” means an inclusive tour that includes (for the entire duration of the tour) sleeping accommodation of a kind provided to the public at commercial rates, and that—

(a) Is intended to encourage air travel; and

(b) Covers a route that returns to the point at which it started; and

(c) Includes one or more additional attractions or facilities, such as sightseeing, coach trips, entertainment, admission to any place or event, the provision of a guide or equipment; and

(d) Is described in literature, published by the person who arranged the tour, that is available to the public generally; and

(e) Is sold as an indivisible product to members of the public generally:

“Sales agency agreement” means a written agreement between a carrier and any other person (whether prepared and executed by that carrier or by some other person on that carrier’s behalf) providing for that other person to act as an agent in relation to the arrangement of carriage on the services of that carrier:

“Shipper” means a person who consigns cargo; and, in relation to any cargo, means the shipper who consigns or proposes to consign it:

“Standard bank plan” means an agreement between one or more 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 the carriage of passengers and 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:

“Standard cargo plan” means an agreement between one or more 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 waybill forms 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 the carriage of cargo:

(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 cargo sales location” means a location (being a location where the agent concerned is actively and principally engaged, and has for at least 6 months been so engaged, in the promotion and sale of the carriage of cargo) where (*inter alia*) the following facilities are provided by that agent:

(a) The quotation of rates and charges for carriage of cargo, and the specification of the conditions subject to which such rates and charges apply:

(b) The assistance of customers in completing the required formalities (including reservations) for the carriage of cargo:

(c) The delivery, or arrangement of the delivery, of cargo ready for carriage to the appropriate airport:

(d) The acceptance (and delivery as aforesaid) of cargo that comprises or includes any restricted item:

(e) The collection of money from customers, and its remittance to carriers or a standard cargo plan:

“Suitable passenger sales location” means a location (not situated at an airport or in office premises shared by an agent and one or more other agents or by an agent and a carrier)—

(a) Where there are 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 there is employed at least one person who has demonstrated (in the opinion of the principal concerned) a satisfactory ability to arrange carriage of passengers, if that principal is satisfied that—

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

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

“Traffic document” means any passenger ticket form, baggage check form, miscellaneous charges order form, on-line ticket form, or other accountable form, (being a form for the carriage of passengers or for other carriage or services connected with the carriage of passengers) whether issued manually, mechanically, or electronically, and whether or not bearing the preprinted identification of an individual carrier, supplied to approved general sales agents or approved passenger 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 principal against which (when completed by an approved passenger agent with the names of the passengers concerned, the routing itinerary, the class of travel, and the fare) that principal has agreed with that agent to issue tickets for the carriage of those passengers:

“Unsuitable person” means a person who or which—

(a) Being an individual person (and not being a person who, in the opinion of the principal 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:

“Waybill” means a document, with a title in any language to the effect that that document is an air consignment note or air waybill, made out by or on behalf of a shipper as evidence of a contract between that shipper and a carrier for the carriage of goods on the services of that carrier:

“Waybill form” means a document that, when completed by a shipper, is capable of constituting a waybill.

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