

- (a) The agent who or which arranged the carriage concerned provides a waybill relating to the cargo concerned that was completely and accurately filled out; and
- (b) The name of that agent is inserted in the appropriate place on that waybill.

14. Payment of cargo commission to be provisional initially—No commission shall be paid by any carrier under this Part of this notice unless it is paid on the basis that its initial payment is provisional only, until—

- (a) The carriage to which it relates takes place; or
- (b) No application for a refund in respect of that carriage having been made within the time during which such an application may be made by a person entitled to such a refund, that time has expired; or
- (c) Every such application made within that time has been finally rejected,—
- whichever soonest occurs.

15. Disbursement of cargo commissions—(1) Subject to subclause (3) of this clause, if, and only if, any commission is payable to an approved agent in respect of the carriage of cargo, that agent may pay all or any part of that commission to any employee who personally arranged, or assisted in the arrangement of, that carriage on behalf of that agent.

(2) Subject to subclause (3) of this clause, if, and only if any carriage of cargo in respect of which any commission is payable to an approved agent was arranged at the request of some other agent (being an approved cargo agent),—

- (a) That approved agent may pay to that other agent all or any part of that commission; and
- (b) That other agent may pay to any employee who personally made, or assisted in making, the request all or any part of the amount paid to him or it.
- (3) Any approved agent may pay all or any part of any commission received in respect of the arrangement of the carriage of cargo to any person (not being the shipper of that cargo or the person whose name appears on the waybill for that cargo as the person to whom it is to be delivered) unless the payment would result, directly or indirectly in the carriage of that cargo at a charge less than shown in the waybill.

PART III GENERAL

16. No commission payable in certain circumstances—

- (1) No commission shall be paid by a carrier under this notice—
- (a) On carriage arranged pursuant to a miscellaneous charges order or transportation order, unless that carriage is specifically described in that order; or
- (b) In respect of any excess baggage charge or excess value charge; or
- (c) On or in respect of any insurance, government tax or charge collected by the agent concerned; or
- (d) On carriage provided free, or at a charge or fare less than that lawfully payable by members of the public for that carriage.
- (2) No commission shall be paid by a carrier to an agent under this notice in respect of carriage provided for or at the request of the New Zealand Government, or any department of State, any agent of the New Zealand Government, any foreign government, or any agency or agent of any foreign government unless either—
- (a) Full payment for that carriage was made to that agent; or
- (b) That carriage is paid for by a government transportation request drawn in favour of that agent; or
- (c) That carriage was arranged by a general cargo agent or a general sales agent and paid for directly to his or its principal.

17. Payments pursuant to interline agreements—(1) Subject to the provisions of this notice, any carrier may pay any fee it thinks fit 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.

- (2) No payment shall be made under subclause (1) of this clause—
- (a) Unless—
- (i) The lawful charge or fare for the carriage concerned; or
- (ii) That charge or fare reduced by the amount of that payment,—
- 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;
- (c) In respect of any carriage arranged pursuant to an exchange order or miscellaneous charges order, unless that carriage is specifically described in that order;
- (d) On mail charges, excess baggage charges, or excess value charges;
- (e) In respect of any carriage arranged pursuant to a credit plan recognised by the carrier on whose services that carriage is arranged.

18. Beneficial services, and fees, charges, etc.—(1) A principal may do all or any of the following things:

- (a) Furnish to any approved agent any display, advertising support material, or promotional literature, relating to the carriage of passengers 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 agents or any approved agent;
- (c) Pay not more than half the cost to an approved 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 agent in his or its business;
- (e) Provide or arrange reasonable entertainment for any approved agent;
- (f) In accordance with local custom, make any gift of congratulation or condolence to an approved agent;
- (g) Sell inclusive tours arranged by an approved agent;
- (h) Reproduce in a publication of that principal any itinerary of an inclusive tour contained in any publication of an approved passenger agent who arranged that tour, together with that agent's name, the address of any approved locations of that agent, and the telephone numbers of those locations;
- (i) Assist that agent in the performance of his or its passenger sales and service functions.

(2) Without limiting the generality of paragraph (i) 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.

(3) Subject to the provisions of this notice, a principal may pay to an approved passenger sales agent who or which issues a prepaid ticket advice relating to carriage of passengers on the services of that principal a commission of 9 percent of the lawful fare for that carriage.

(4) Subject to the provisions of this notice, a principal may pay to an approved passenger agent who or which arranges any carriage of passengers pursuant to a prepaid ticket advice—

- (a) A commission of 9 percent of the lawful fare for that carriage if, and only if, no commission has been paid in respect of that carriage under subclause (3) of this clause; or
- (b) A handling fee equivalent to US\$5, in any other case.
- (5) No commission or fee shall be paid under subclause (3) or subclause (4) of this notice—
- (a) If the carriage concerned is arranged by the agent who or which issued the prepaid ticket advice concerned; or
- (b) In respect of the presentation of a return or continuing portion of a round trip or circle trip ticket, or an exchange order; or
- (c) Until the carriage concerned has commenced.

19. 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.

20. Payments in respect of subcontracted functions of principals—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 general sales agents or approved agents, that carrier may make to that person in respect of the performance of that function any payment it thinks fit.

21. Retrospective payments—After the entry of the name of any person or the address of any location on an approved general sales agents' names and locations list, an approved passenger agents' names and locations list, or an 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.

22. Transitional—(1) Where, during the month of June 1983, an agent received from a carrier pursuant to a passenger sales agency agreement any commission relating to the arrangement at any location of the carriage of any passenger on the services of that carrier, this notice shall apply—

- (a) To that agent as if he or it were an approved passenger agent; and
- (b) To that location as if it were an approved passenger location,—
- either until the 30th day of September or, where that agent has before the 1st day of October 1983 applied to that carrier for the entry of the name of that agent and the address of that location on that carrier's approved passenger agents' names and locations list, until that carrier informs that agent of the success or failure of the application.