



Australian Government
Civil Aviation Safety Authority

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**POLICY PROPOSAL
PP 26100S**

Proposed new operational classifications - Business transport and owner transport

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Acknowledgement of Country

The Civil Aviation Safety Authority (CASA) respectfully acknowledges the Traditional Custodians of the lands on which our offices are located and their continuing connection to land, water and community, and pays respect to Elders past, present and emerging.

Artwork: James Baban.

Overview

Since the introduction of the Flight Operations Regulations (FOR), industry feedback has raised concerns about some additional operations. It suggests that certain operations carrying passengers or cargo for hire or reward may not need to hold an Air Operator's Certificate (AOC).

CASA's General Aviation Workplan, under the category 'Further continuous improvement for general aviation', contains the following initiatives related to this feedback:

- carriage of emergency service passengers (completed)
- public benefit flying including charity flights (in progress - early scope development)
- business transport and owner transport - Part 119 MOS (this proposal).

This proposal sets out a future policy for business transport and owner transport. It has been informed by industry feedback, international practice, and CASA's risk-based regulatory approach. It aims to establish a balanced and practical safety regime.

This proposal does not provide draft legislative text. Stakeholder feedback received through this consultation process will inform the final policy position and any subsequent legislation and guidance material development. Any proposed legislation will be publicly consulted.

Existing exclusions from needing to hold an AOC, such as cost-sharing flights and operations conducted without hire or reward, are outside the scope of this proposal. Similarly, this proposal does not adjust any definitions or policy regarding the carriage of medical passengers, community service flights, or the definition of medical transport operation. Any reference to an AOC in this proposal is about the kind of AOC needed under Part 119 of the *Civil Aviation Safety Regulations 1998* (CASR) relating to carrying passengers or cargo. It does not apply to any other kind of AOC such as those needed under Parts 131 and 142 of the *Civil Aviation Safety Regulations 1998* (CASR).

The key objectives of this proposal are to:

- remove unnecessary regulatory burden
- maintain safety outcomes proportionate to operational risk
- provide greater regulatory clarity and consistency.

This proposal describes the proposed scope of business transport and owner transport flights which would become private operations. It also sets out safety requirements for such operations which would be additional to Part 91 of CASR. The additional safety requirements would scale with aircraft complexity and passenger capacity. As a result, the level of safety assurance would be higher than standard private operations under the current Part 91, but lower than that required for air transport operations under Parts 91, 119, 121, 133 and 135 of the *Civil Aviation Safety Regulations 1998* (CASR).

Why are we consulting

CASA invites stakeholder feedback on the clarity, practicality, safety outcomes, and potential impacts of the proposal. The proposal would replace the temporary exemption in CASA EX68/24 section 7AA.

Contents

1	Reference material	5
1.1	Acronyms	5
1.2	Meaning of terms specific to this proposal	6
1.3	References	7
2	The problem	9
2.1	Aircraft owners and businesses operating aircraft for the business's purpose	9
2.2	Aircraft owners using an operator	9
3	What CASA is proposing	11
3.1	Business transport	11
3.2	Owner transport	11
3.3	Flights not covered by this proposal	13
4	Additional safety requirements	14
4.1	Sector 1	14
4.2	Sector 2	15
4.3	Sector 3	17
4.4	Proposal for sector 2 and 3 operators to notify CASA	19
4.5	Flight crew fatigue	19
5	Developing this concept	21
5.1	Guiding principles and CASA directive	21
5.2	Industry feedback	21
5.3	Comparison with foreign regulatory approaches	21
5.4	Existing regulatory requirements	22
5.5	Risk profiling	23
5.6	Relevant risks for proposed additive safety controls	25
5.7	Bowtie assessment	26
6	Other considerations	27
6.1	Liability insurance	27
6.2	Potential legislation location and guidance	27
7	Closing date for comment	28
Appendix A	Examples	29
Appendix B	ICAO SARP analysis	32
Appendix C	Transport Canada (TC) / FAA / EASA definitions comparison	33
Appendix D	TC / FAA / EASA business transport regulatory requirements comparison	36

1 Reference material

1.1 Acronyms

The acronyms and abbreviations used in this PP are listed in the table below.

Table 1: Acronyms

Acronym	Description
AC	advisory circular
ACAS	airborne collision avoidance system
AOC	air operator's certificate
ARN	aviation reference number
CAR	Civil Aviation Regulations 1988
CASA	Civil Aviation Safety Authority
CASR	Civil Aviation Safety Regulations 1998
CEO	chief executive officer
EASA	European Union Aviation Safety Agency
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
FOR	flight operations regulations
HFNTS	human factors and non-technical skills
HOFO	head of flying operations
HOTC	head of training and checking
HTAWS	helicopter terrain advisory warning system
IFR	instrument flight rules
MCPSC	maximum certified passenger seat capacity
MTOW	maximum take-off weight
MOS	Manual of Standards
NAT	North Atlantic Airspace
PBN	performance based navigation
SM	safety manager
SMS	safety management system
SSRP	sector safety risk profile
TAWS	terrain advisory warning system

Acronym	Description
TC	Transport Canada
VFR	visual flight rules

1.2 Meaning of terms specific to this proposal

Terms that have specific meaning within this proposal are described in Table 2. Some of these terms, although not all, are likely to be used in any subsequent legislation development.

Initial use of each key defined term is identified in italics.

Note: Readers are advised that correctly interpreting the meaning of these terms, the definition of *operator* provided in the [CASR dictionary](#), and an understanding of *hire and reward* provided in the [Part 119 AMC GM](#) is fundamental to understanding this proposal.

Table 2: Definitions

Term	Definition
dry lease	The aircraft is leased on a term greater than 12 months without crew, fuel, maintenance, and insurance. The lessee is the registered operator.
entity	A person, a corporation, sole trader (unincorporated), a company, a partnership, a trust or an incorporated association.
main business activity	The business activity provided to the Australian Tax Office in the form of a BIC code.
not advertised to the public	- An advertisement published in a daily national newspaper or on a publicly accessible online platform (other than a company's internal communications) is considered an advertisement to the public. - A notice of a flight published on a company noticeboard, in a company newsletter, or through the company's internal online communications is not considered an advertisement to the public.
owner	A <i>person</i> or incorporated association who owns a 5% share or more of an aircraft or an individual who holds 5% or more shareholding in a company that owns or dry leases an aircraft. A director of a corporate or a fiduciary of a trust where the company or trust owns a 5% share or more of the aircraft or a 5% or more shareholding in a company that owns or dry leases an aircraft. Note: The FAA fractional ownership program requires a shareholding of 6.35% for aeroplanes and 3.1% for rotorcraft to be classified as an owner. It is proposed to adopt 5% for all aircraft which sits in the middle (rounded downwards to a whole percentage) of the FAA requirements.
person	Under Section 2C of the <i>Acts Interpretation Act 1901</i> , expressions denoting persons—such as 'person,' means it applies to companies, corporations, or other legal entities as well as natural persons.
owner pilot	Aircraft owner who holds a private or professional licence and is qualified to operate the aircraft.

Term	Definition
professional pilot	Holder of a commercial pilot licence or an airline transport pilot licence.

1.3 References

Legislation

Legislation is available on the Federal Register of Legislation website <https://www.legislation.gov.au/>

Table 3: Legislation references

Document	Title
Part 61 of CASR	Flight crew licencing
Part 61 MOS	Part 61 Manual of Standards Instrument 2014
Part 91 of CASR	General operating and flight rules
Part 91 MOS	Part 91 (General Operating and Flight Rules) Manual of Standards 2020
Part 119 of CASR	Australian air transport operations—certification and management
Part 119 MOS (proposed)	Part 119 (Australian Air Transport Operations—Certification and Management) Manual of Standards 20XX
	Note: As this MOS does not yet exist, the title is indicative only.
Part 121 of CASR	Australian air transport operations—larger aeroplanes
Part 121 MOS	Part 121 (Australian Air Transport Operations—Larger Aeroplanes) Manual of Standards
Part 133 of CASR	Australian air transport operations—rotorcraft
Part 133 MOS	Part 133 (Australian Air Transport Operations—Rotorcraft) Manual of Standards
Part 135 of CASR	Australian air transport operations—smaller aeroplanes
Part 135 MOS	Part 135 (Australian Air Transport Operations—Smaller Aeroplanes) Manual of Standards
	<i>Acts Interpretation Act 1901</i>
	<i>Civil Aviation (Carriers' Liability Act 1959</i>
	<i>Workplace Health and Safety Act (Cth)</i>

Advisory material

CASA's advisory materials are available at <https://www.casa.gov.au/publications-and-resources/guidance-materials>

Table 4: Advisory material references

Document	Title
AC 119-02 (proposed)	Business transport and owner transport Note: As this AC does not yet exist, the title is indicative only.
AMC/GM Part 119	Acceptable means of compliance and guidance material — Australian air transport operators - certification and management

International Civil Aviation Organization documents

International Civil Aviation Organization (ICAO) documents are available for purchase from <http://store1.icao.int/>

Many ICAO documents are also available for reading, but not purchase or downloading, from the ICAO eLibrary (<https://elibrary.icao.int/home>).

Table 5: ICAO references

Document	Title
Annex 6 Part II	International General Aviation - Aeroplanes
Annex 6 Part III	International Operations - Helicopters

2 The problem

This proposal is intended to resolve the following 2 issues arising from the introduction of the flight operations regulations (FOR), which is currently managed through a temporary exemption instrument¹:

2.1 Aircraft owners and businesses operating aircraft for the business's purpose

Business transport refers to:

- operations where a *person*², who may be the aircraft *owner*³ or a person hiring an aircraft, is the *operator* and carries *passengers* or *cargo* in support of that person's business activities
- operations conducted by a third-party operator engaged by the aircraft owner to manage the aircraft and conduct flights on the owner's behalf for the owner's business purposes.

Business transport **does not** include operations where the person hiring the aircraft is not determined to be the operator, and instead the person providing the transport service is the operator - this would remain an operation which requires the operator to hold an AOC.

Business transport flights support the normal activities of the business and may involve the transport of employees, contractors, company directors, tools, equipment, supplies, or other resources between business locations, worksites, or project areas.

Where a person is the operator and a flight is conducted to support that person's business activities, the operation is treated under the regulations as being conducted for reward, even if:

- no passenger pays for the flight
- no separate fee is charged for the carriage of passengers or cargo
- the aircraft is used solely to support the person's *main business activities*.

Where a third-party operator conducts flights on behalf of the aircraft owner, payment is typically made for the aircraft management and flight services provided. Consequently, the flight is conducted for reward.

In both scenarios, because the flights are conducted for reward, they are classified as air transport operations. As a result, the operator must hold an Air Operator's Certificate (AOC) to conduct the operation.

Industry feedback has indicated that requiring an AOC for business transport operations may impose a disproportionate regulatory burden. This is particularly the case because the risk profile of many business transport operations is generally lower than that of conventional air transport operations conducted for the commercial carriage of passengers or cargo.

Under the CAR (before the commencement of the FOR), in certain circumstances these flights were conducted as a private operation.

2.2 Aircraft owners using an operator

Owner transport occurs when an aircraft owner engages an operator to manage the owner's aircraft and conduct flights for the owner's private or recreational purposes.

¹ The current temporary instrument is [CASA EX 68/24 Section 7 AA](#)

² A *person* may be a corporate, refer section 1.2 for additional information

³ See section 1.2 for the proposed definition of *owner* for the purposes of this proposal (this definition would not apply anywhere else in the CAR or CASR).

In these arrangements, the operator is typically the registered operator of the aircraft and is responsible for its operational management.

Flights are conducted solely for the private or recreational purposes of the aircraft owner and may involve travel with family members, friends, or business associates. However, because the owner pays the operator to provide aircraft management and flight services, the regulations regard the operation as being conducted for reward.

As a result, these flights are classified as air transport operations. Consequently, the operator must hold an AOC to conduct the operation.

By contrast, where an owner operates the aircraft personally for private or recreational purposes and does not receive or provide any *hire or reward*, the operation is classified as a private operation, and an AOC is not required.

Industry feedback has indicated that requiring an AOC for owner transport operations may impose a disproportionate regulatory burden. This is particularly so given that the flights are conducted solely for the owner's private or recreational purposes and often exhibit a risk profile that is more closely aligned with private operations than with conventional air transport operations conducted for commercial purposes.

Under the CAR (before the commencement of the FOR), in certain circumstances these flights were conducted as a private operation.

3 What CASA is proposing

CASA proposes to create 2 new types of private operation:

1. business transport
2. owner transport.

These flights **would not** need to be conducted by an operator that holds a Part 119 AOC.

The flights would need to comply with Part 91 - General operating rules, and additional safety requirements scaled depending on the size and complexity of the aircraft.

3.1 Business transport

A flight is business transport if either of the following scenarios applies:

Scenario 1 – Operator business activity

A flight is business transport if all the following apply:

- the flight supports the main business activity of the operator, and the carriage of passengers or cargo is not itself the purpose of the operator's business
- the operator receives no reward directly related to the carriage of any passenger or cargo
- all passengers carried, and any cargo transported, must relate to the operation of the main business activity of the operator. This may include employees, contractors, directors, clients, or other persons engaged in the operators business-related activities
- the flight is not advertised to the public.

Note: For this scenario, the operator may be the aircraft owner.

Scenario 2 – Owner business activity

A flight is business transport if all the following apply:

- the flight is operated by an operator on behalf of the aircraft owner
- the flight supports the main business activity of the owner, and the carriage of passengers or cargo is not itself the purpose of the owner's business
- the owner receives no reward directly related to the carriage of any passenger or cargo
- all passengers carried, and any cargo transported, must be connected with the operation of the main business activity of the owner This may include employees, contractors, directors, clients, or other persons engaged in the business-related activities
- the flight is not advertised the public.

3.2 Owner transport

A flight is owner transport if all the following apply:

- the flight is conducted for the aircraft owner's private, personal or recreational purposes
- the flight is operated by an operator on behalf of the aircraft owner

- the aircraft owner receives no reward directly related to the carriage of any passenger or cargo
- all passengers carried on the flight have a personal relationship with the owner, such as family members, friends or personal associates.

Figure 1 provides an outline of the business transport and owner transport requirements.

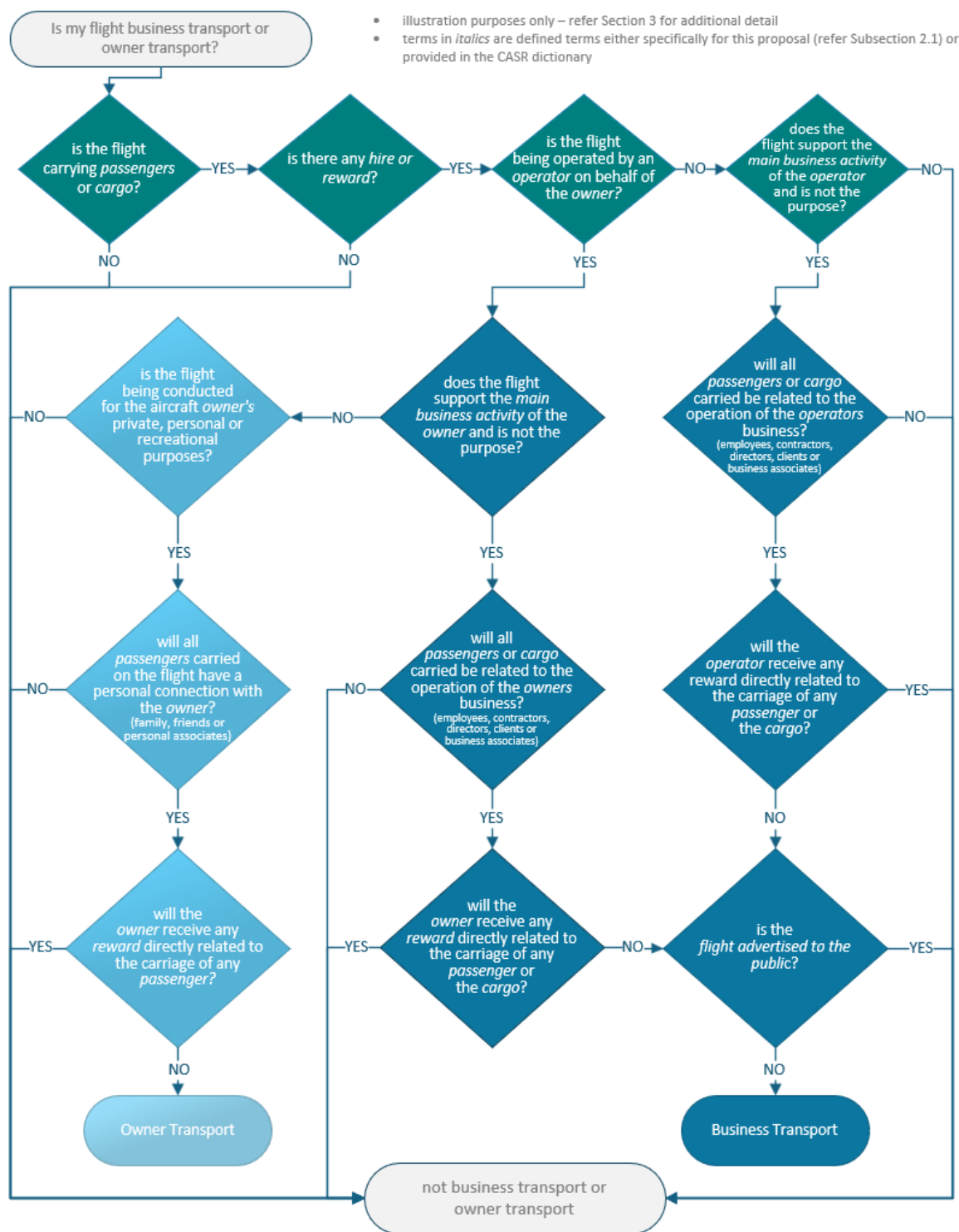


Figure 1: Business transport and owner transport criteria

IMPORTANT

An Australian air transport certificate (AOC) holder who manages and operates an aircraft on behalf of an aircraft owner for the owner's business or recreational purposes may also use the aircraft for air transport flights under their AOC.

Multiple examples of operations which would be included or excluded from business transport and owner transport are set out in Appendix A.

3.3 Flights not covered by this proposal

The following flights or scenarios are not business transport or owner transport:

- flights where there is no hire or reward
- flights not carrying any passengers or goods
- flights offered to the general public
- flights where passengers pay or a person pays for the transport of a passenger or the goods
- flights where the operator receives any payment directly related to the carriage of a passenger or goods (excluding owner transport)
- flights where the transport is part of the service being sold to customers
- air transport operations
- medical transport operations
- aerial work operations
- community service flights
- public benefit or charity flights
- flights already covered by existing private operation exclusions.

Examples - existing exclusions

- A pilot hires an aircraft from an aeroclub or an aircraft owner. The pilot takes friends on a recreational flight. The pilot is the operator and receives no reward for the flight.
- An aircraft owner pilots an aircraft carrying friends or family on a recreational flight. The aircraft owner is the operator and receives no reward for the flight.
- An aircraft owner allows another pilot to fly the owner, or the owner's or pilot's friends or family, on a recreational flight. The pilot is the operator, and no reward is received by the pilot.

4 Additional safety requirements

CASA proposes 3 sectors for business transport and owner transport to allow the safety regulations to increase as the aircraft becomes larger or more complex. This Chapter describes those sectors and the safety regulations proposed for each.

Part 91 of CASR would be the baseline combined with the additional safety regulations outlined for each sector below.

IMPORTANT

It is a key principle of these sectors that they build on each other. For example, the HFNTS requirement in sector 1 will also apply for sectors 2 and 3.

4.1 Sector 1

Applicability

Operation of any class rated aircraft:

- with 9 or less fitted passenger seats
- powered by reciprocating (piston) engines that are:
 - an aeroplane with a MTOW of 5,700 kg or below
 - or
 - a rotorcraft with a MTOW of 3,175 kg or below.

Additional safety regulations

Flight crew

A flight crew member must:

- be the holder of a private pilot licence or professional pilot licence; unless the flight crew member is employed or contracted specifically to operate the aircraft, then a professional pilot licence is required. Flight crew can have any class of medical subject to the conditions of the certificate.

All flight crew members must:

- be qualified, competent and recent to operate the flight in accordance with the requirements of Part 61 of CASR
- have completed human factors and non-technical skills training (HFNTS) (initial training or recurrent training) within the previous 12 months.

Operations

An operator to provide:

- written flight crew operating instructions unless the owner or operator is the sole pilot
- an operational structure, commensurate with the type and size of operations.

Example operating instructions

- CASA intends to provide example operating instructions in its guidance materials.

The flight crew operating instructions would contain information that is not typically provided in the flight manual, for example:

- minimum flight crew experience for certain operations
- instructions for preflight
- flight planning
- fuelling
- aircraft overnight parking
- pilot maintenance
- reporting of defects.

4.2 Sector 2

Applicability

Operation of any aircraft with a maximum certified passenger seating capacity (—PSC) of 19 or less where the aircraft:

- is fitted with more than 9 passenger seats
or
- is turbine powered
or
- requires a pilot type rating
or
- is an aeroplane with a MTOW of more than 5,700 kgs
or
- is a rotorcraft with a MTOW of more than 3,175 kgs.

Additional safety regulations

The requirements for operations and flight crew prescribed for Sector 1, plus the requirements below.

Operations

An operations manual required to be used by the operator's personnel, via the use of:

- the business transport example operations manual
or
- an operator customised operations manual providing similar outcomes to the business transport example operations manual.

Example operations manual

The operations manual would encompass and replace the flight crew operating instructions required for Sector 1.

Broadly, the operations manual will need to contain:

- the details of a responsible person
- an explanation of how and who has operational control of flights
- what operational procedures are followed during the pre-flight, in flight and post-flight phases (2 key examples being procedures for calculating aircraft performance and guidance on fatigue),
- the conduct of risk assessments
- the minimum qualifications and experience for crew members.

Aircraft

Instruments and equipment in accordance with Table 6. Where a requirement is not provided Part 91 applies.

Table 6: Sector 2 - Instruments and equipment

Type of operation	Aeroplanes	Rotorcraft
VFR	Section 11.05 of the Part 135 MOS - Day VFR flight instrument requirements	Section 11.05 of the Part 133 MOS - Day VFR flight instrument requirements
Night VFR	Section 11.06 of the Part 135 MOS - Night VFR flight instrument requirements	Section 11.06 of the Part 133 MOS - Night VFR flight instrument requirements
IFR	Section 11.07 of the Part 135 MOS – IFR flight Instruments	Section 11.07 of the Part 133 MOS – IFR flight Instruments
IFR and VFR	Section 11.08 of the Part 135 MOS 11.08 - Radiocommunication systems	Section 11.08 of the Part 133 MOS 11.08 - Radiocommunication systems
IFR and Night VFR	Section 11.10 of the Part 135 MOS - Automatic pilot	Section 11.10 of the Part 133 MOS - Automatic pilot
IFR and VFR	Division 6—Alerting and warning system requirements (This division includes sections 11.19 to 11.28 of the Part 135 MOS which includes ACAS, TAWS, Altitude alerting equipment, airborne weather radar and the associated inoperative provisions)	Division 6—Alerting and warning system requirements (This division includes sections 11.16 to 11.21 of the Part 133 MOS which includes HTAWS, altitude alerting equipment, airborne weather radar and the associated inoperative provisions)

Note: Table 6 is a summary of the legislation only. Please refer to the relevant regulations for the complete details.

4.3 Sector 3

Applicability

The operation of any aircraft with a MCPSC of more than 19.

Additional safety regulations

Flight Crew

All flight crew must have a professional pilot licence.

All flight crew must have a valid class 1 or class 2 medical certificate.

Systems and Operations

The systems and operations requirements are required to be similar to that of an AOC holder and include the systems and operational requirements of Table 7 and Table 8.

Table 7: Sector 3 - Systems requirements

Requirement	Equivalent regulation (CASR)	Details
Organisational structure	119.010(1)	Have an organisational structure to effectively manage the operations, taking into account the size, nature and complexity of operations.
Accountable persons	119.110	Have accountable persons (in the operations manual) filling the roles of CEO, HOFO, HOTC and SM.
Duplicate roles	119.080	The CEO and SM cannot be the same person.
Alternate accountable persons	119.115	Have processes in place if the primary accountable person cannot fulfil their responsibilities.
Alternate accountable persons must be specifically identified	119.115	Alternate accountable persons, if any, must be specifically identified in the operations manual and a record kept (for a period to be determined) of the alternate person filling an accountable person role.
Accountable persons training	119.120	For an accountable person role, the person must have completed any training necessary to familiarise the person with the responsibilities.
CEO experience and responsibilities	119.125 and 119.130	Have the experience mentioned in subregulation 119.125 (3) of CASR, and fulfil the responsibilities mentioned in regulation 119.130 of CASR.

Requirement	Equivalent regulation (CASR)	Details
HOFO experience and responsibilities	119.135 and 119.140	Must meet the requirements of subregulation 119.135 (1) of CASR except that a minimum of CPL is acceptable, and the experience required is as per subregulation 119.135 (4) of CASR, and they must fulfil the responsibilities mentioned in regulation 119.140 of CASR.
HOTC experience and responsibilities	119.145 and 119.150	Meet the requirements of subregulation 119.145(1) of CASR except that a minimum of CPL is acceptable, and the experience required is as per subregulation 119.145 (4) of CASR, and they must fulfil the responsibilities mentioned in regulation 119.150 of CASR.
SM experience and responsibilities	119.155 and 119.160	Have the experience mentioned in regulation 119.155 of CASR, and fulfil the responsibilities mentioned in regulation 119.160 of CASR.
System for assuring competency	119.170	Must have a system for accomplishing induction of new crew members, including the conduct of a line check prior to conducting line operations and thereafter at yearly intervals, plus the maintenance of crew member training and checking records (period to be determined), the inclusion of procedures to ensure crew members complete required training and checking and are supervised effectively during any training and checking.
SMS	119.180	Must have an SMS that meets the requirements of regulation 119.180 of CASR.
Record keeping	CASA EX68/24 section 20	Must maintain an up-to-date record showing the currency of medical certificates, licences, ratings and endorsements required by a flight crew member to operate the aircraft.
Retention period for flight related documents	119.245 and 119.250	Must meet the requirements of regulations 119.245 and 119.250 of CASR.
Flight and duty time - fatigue	CAO 48.1 appendix 2, 3, 4 or 7	Must comply with CAO 48.1 and the applicable appendix as prescribed for an AOC holder.

Table 8: Sector 3 - Operational requirements

Requirement	Regulations	Details
Operational procedures	Subpart 121.D or 133.D	The operational procedures must comply with the requirements of the applicable subpart.
Performance	Subpart 121.F or 133.F	Must meet the performance requirements of the applicable subpart.
Weight and balance	Subpart 121.J or 133.J	Must comply with the weight and balance requirements of the applicable subpart.

Requirement	Regulations	Details
Flight crew	Subpart 121.N or 133.N	Must ensure the flight crew meet the requirements outlined in the applicable subpart.
Non-flight crew training and checking	Subpart 121.P or 133.P	Must ensure crew other than flight crew meet the requirements outlined in the applicable subpart.
Equipment	Subpart 121.K or 133.K	Must ensure the aircraft is equipped in accordance with the requirements of the applicable subpart.
Emergency evacuation procedures	Subpart 121.V	Must ensure the emergency evacuation procedures comply with this subpart.

4.4 Proposal for sector 2 and 3 operators to notify CASA

It is proposed that operators conducting business transport or owner transport operations in accordance with sector 2 or sector 3 requirements, including existing AOC holders undertaking such operations, be required to notify CASA of:

- the commencement of those operations
- any changes to the information previously provided to CASA
- the cessation of business transport or owner transport operations.

Submitting the notification is free. However, operators who do not already hold an Aviation Reference Number (ARN) may be required to obtain one and would be subject to the applicable ARN fee.

This requirement would enable CASA to better understand the scale and scope of business transport and owner transport operations and to allocate safety oversight resources proportionately. It would also provide CASA with an operator contact database to support sector safety risk profiles (SSRPs), safety communications, and industry engagement activities.

Notification would be made through the completion of a simple form submitted to CASA Regulatory Services.

4.5 Flight crew fatigue

The proposed operational requirements only mandate specific flight and duty time limits for sector 3. This recognises the increased complexity and safety assurance desired for this sector.

For sectors 1 and 2, operators and pilots are reminded that:

- it is a condition on every flight crew licence (including private pilot licences) that a pilot must not conduct a flight if they are likely to be fatigued
- under regulation 91.520 of CASR, a crew member must not commence duty for a flight if they are unfit to perform, or likely to be unfit to perform, any required crew member duty for the flight that is related to the safety of the aircraft, or the safety of the persons on the aircraft or cargo on the aircraft
- the pilot in command (PIC) is responsible for safety of the aircraft and persons on board
- the PIC always has authority to reject a flight duty period.

Additionally, aircraft owners involved in an aircraft's operation have a duty of care under the *Workplace Health and Safety Act (Cth)* to persons on board the aircraft. Any aircraft owner communicating, either directly or indirectly, that flight crew operate when fatigued would potentially be breaching that duty of care.

5 Developing this concept

5.1 Guiding principles and CASA directive

The development of this proposal has been guided by CASA's [Guiding Principles for the Development and Application of Aviation Safety Regulations](#) and the relevant [Director of Aviation Safety Directive](#). These principles require that regulatory changes:

- be justified on the basis of safety risk
- not impose unnecessary costs
- not hinder participation in aviation or its capacity for growth.

CASA's [AC 1-01 – Understanding the Legislative Framework](#), Chapter 6, also provides guidance on CASA's policy for classifying aviation activities. In summary, CASA:

- evaluates the purpose of an aviation activity and the extent to which affected persons understand the activity and its associated risks. This includes their ability to freely accept those risks.
- assesses how effectively those risks are controlled
- determines whether additional safety controls are necessary to ensure that risks are managed to an acceptable level.

5.2 Industry feedback

In developing policy options for business transport and owner transport operations, CASA has considered information and feedback from industry representatives and stakeholders. The proposed approach will be subject to further consideration by a technical working group and will subsequently be released for public consultation. Feedback received through these processes will inform the development of a regulatory framework that appropriately balances safety outcomes with the operational characteristics and risk profile of these sectors.

5.3 Comparison with foreign regulatory approaches

CASA reviewed the regulatory approaches adopted by Transport Canada (TC), the United States Federal Aviation Administration (FAA), and the European Union Aviation Safety Agency (EASA) when developing this proposal. Across these jurisdictions, business transport and owner transport activities are generally treated as private or non-commercial operations rather than commercial air transport operations. This applies where the transport is not offered to the general public and passengers are not carried for payment.

A common feature of these regulatory systems is a graduated approach in which additional requirements apply as aircraft complexity, passenger seating capacity, or organisational scale increases. Smaller and less complex aircraft are generally subject to general operating rules. Larger aircraft, turbine-powered aircraft, and operations involving higher passenger numbers are required to comply with additional operational, organisational, equipment, training, and safety management requirements.

Transport Canada regulates many private business transport operations through Subpart 604 of the Canadian Aviation Regulations. This applies additional operational and organisational requirements to larger or more complex aircraft without requiring an air operator certificate. The FAA similarly applies graduated requirements through FAR Part 91, Part 91 Subpart F, Part 91K and Part 125, depending on aircraft size and operational arrangements. EASA distinguishes between non-commercial operations with other-than-complex motor-powered aircraft (NCO) and non-commercial operations with complex motor-powered aircraft (NCC), with organisational requirements increasing for more complex operations.

Several foreign authorities also require a declaration, registration, notification or approval process for larger or more complex operations. In particular where aircraft exceed 19 passenger seats or involve managed or fractional ownership arrangements.

Appendix C provides a comparison of the related definitions of Transport Canada (TC)/FAA/EASA and Appendix D provides a comparison of the TC/FAA/EASA business transport regulatory requirements.

The proposed Australian framework is consistent with these international approaches. It recognises business transport and owner transport as a distinct category of operation and introduces safety requirements that increase according to aircraft complexity and passenger carrying capacity. The proposal also aligns with international practice by applying more comprehensive organisational and operational requirements to larger aircraft while avoiding the need for a Part 119 Air Operator's Certificate.

Consistent with the regulatory approaches adopted in other jurisdictions, this proposal provides a proportionate framework that considers aircraft complexity, passenger-carrying capacity and the level of operational risk.

5.4 Existing regulatory requirements

While the highest level of regulatory assurance would likely be achieved by requiring all business transport and owner transport operations to be conducted under an Air Operator's Certificate (AOC), this approach would impose significant costs and operational burdens on affected operators. It may also prevent certain reasonable and appropriate operations, particularly international flights, from being conducted.

CASA analysed the differences between operations conducted under Part 91 of CASR and those conducted under the air transport framework in Parts 119, 121, 133 and 135 of CASR. The analysis identified which air transport requirements should apply to business transport and owner transport operations.

To support the analysis, business transport and owner transport operations were divided into 3 sectors based on their characteristics and risk profiles. The purpose of the assessment was to identify which regulatory requirements provide a meaningful safety benefit and which would impose a disproportionate burden on operators.

The assessment recognised that some air transport requirements are designed for large or complex commercial operations. This may not be appropriate for business transport or owner transport operations with limited aircraft, personnel and exposure to risk. For example, while an AOC holder's exposition is important for ensuring consistency across larger operations, requiring a detailed exposition for a small operator with a single aircraft and a limited group of passengers may not be justified.

Each air transport requirement was evaluated according to:

- Operator burden, including whether it imposed system-based, training, operational, or administrative requirements.
- Safety benefit, including whether it provided no direct safety benefit, a minor benefit, or a demonstrable and effective increase in safety.

Based on this assessment, the sector-specific policy settings were established:

- Sector 1 adopts selected requirements from Parts 119, 133 and 135 of CASR that provide an effective safety benefit while avoiding unnecessary regulatory burden.
- Sector 2 adopts requirements from Parts 119, 121, 133 and 135 of CASR, scaled according to aircraft complexity and flight crew experience.
- Sector 3 applies to operations using aircraft with an MCPSC greater than 19, where the risk profile is comparable to air transport operations. These operators would be required to comply with air transport safety requirements, although they would not be required to hold an AOC.

The outcome of the analysis is a proportionate, risk-based regulatory framework that retains air transport requirements that materially improve safety, while excluding system-based and administrative requirements that would impose unnecessary burden on lower-risk business and owner transport operations.

5.5 Risk profiling

CASA conducts safety risk profiling activities on a sector-by-sector basis at regular intervals. The [business aviation sector safety risk profile](#) was published on our website on 12 May 2025. Other [key sector safety risk profiles, such as air transport operations in smaller or larger aeroplanes, and small or large helicopters](#), are also available for review on our website.

Our proposal is that it is acceptable for business transport or owner transport operations to be conducted at elevated risk compared to air transport operations. This is primarily due to the different purpose of the flights and the expectation that passengers being carried are aware that they are not travelling on an air transport operation.

Equally, we are aware that passengers are likely to remain uninformed and unaware of the scale of any elevated risk, especially when flights are conducted using larger and more sophisticated aircraft. Additionally, uninvolved third parties would reasonably expect increasing safety controls to be applied to larger and more sophisticated aircraft.

These are key reasons for proposing to split business transport or owner transport into 3 sectors where each sector builds on the lower sector(s) with increasing requirements.

The following paragraphs explain the different assumptions. These assumptions are generalised in nature and informed when developing the boundaries of the 3 sectors and the requirements for each sector.

Operating in sector 1

The assessment of the risk associated with operating in sector 1 considered the following:

- It is likely to involve the carriage of a small number of people on an irregular, unscheduled basis which means risk exposure is confined to a low number of identifiable persons.
- The small cohort of passengers are directly associated with the aircraft owner or business transport operator. This can be assumed that the arrangements do not involve transport with a commercial air transport provider and may come with different risks.
- The passenger has the ability to freely consent to those risks through their employment choices, or, if the purpose of the travel is purely recreational, by arranging alternative means of travel.
- Because the operation is small and uncomplicated, it typically involves few pilots and limited operational pressure. Flights in smaller aircraft are also generally conducted during daylight under the Visual Flight Rules (VFR), so only limited additional safety controls are necessary.
- For operations involving use of the aircraft for purely recreational purposes by an aircraft owner, any person carried will be aware that the flight does not involve transport with a commercial air transport provider and may involve different risks. All such persons have the ability to freely accept those risks.
- The additional safety controls for sector 1 are outlined in section 5.1.

Operating in sector 2

The assessment of the risk associated with operating in sector 2 considered the following:

- A larger number of operations (potentially regular flights) could be conducted.
- More passengers would be carried; however, the person travelling remains a limited subset of persons related to the business transport operator or aircraft owner.
- Risk increases due to, extra flights, typically low experience pilots, pressure on the pilot to operate and likely use of more complex aircraft for example turbine powered.
- A person is less able to seek alternatives due to limited options and employer contract obligations.
- Type rated aircraft are generally larger and more complex than class rated aircraft. They have higher performance and may require multi-crew operations.

Given the increased complexity and operational scale, a range of safety controls closer to the air transport standard is necessary to manage operational and organisational complexity safely.

The additional safety controls for sector 2 are outlined in section 5.2.

Operating in sector 3

The assessment of the risk associated with operating in sector 3 considered the following:

- Risk is increased due to larger and more complex aircraft; the potential of frequent services and higher number of passengers being carried.
- The passengers still remain a subset of persons related to the operator or aircraft owner.
- Alternative options are unlikely without significant cost to the person travelling.

Operating in sector 3 requires the range of safety controls aligned to the air transport standard to manage operational and organisational complexity safely. However, an AOC would not be required to be issued.

The additional safety controls are outlined in section 5.3.

Figure 2 provides an overview of the safety controls and safety outcomes of all passenger and cargo carrying flights (excluding aerial work passengers).

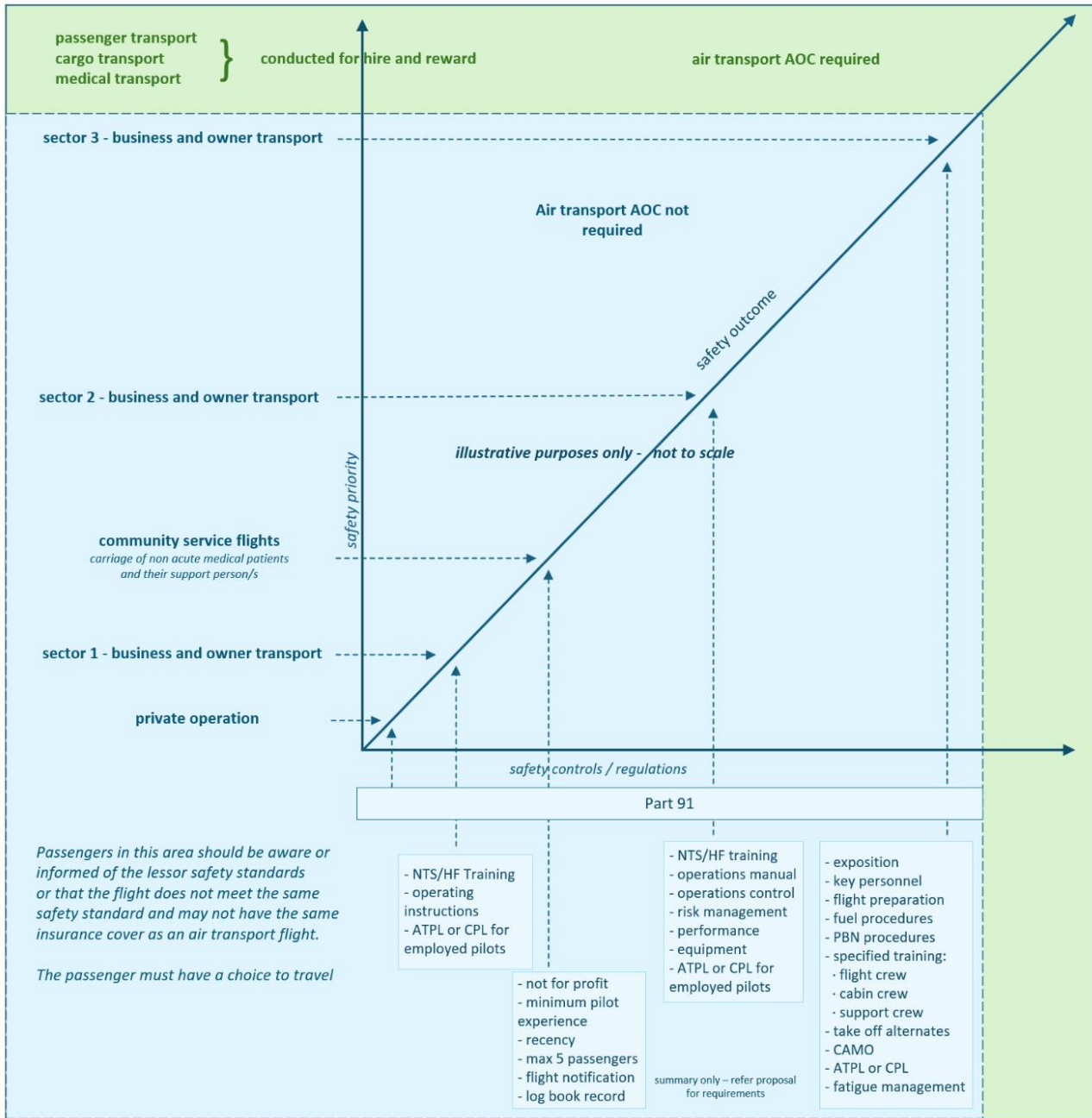


Figure 2: Summary of safety outcomes for passenger and cargo transport

5.6 Relevant risks for proposed additive safety controls

Sectors 1 and 2

Table 9 outlines the risk each safety control is mitigating for aircraft with a MCPSC of 19 and below.

Table 9: Safety controls related to risk mitigation - aircraft MCPSC of 19 and below

Safety control	Risk	Policy outcome
Flight crew operating instructions	Pilots having their own procedures. Flight crew with low experience operating aircraft in marginal conditions. Experience for insurance cover.	Provides general instructions. May provide minimum pilot experience or minimum weather conditions for certain operations.
Operations manual	Multiple crew and multicrew operations – crew employing their own procedures.	Provides for standard operating procedures and general instructions for crew. Removes ambiguity of the responsibility for key tasks.
Human factors and non-technical skills training	Demands on BT flight crew (responsible for 'everything').	Provides training in decision-making, situational awareness, communication, and teamwork.
Additional instruments and equipment	Instrument and communication system degradation. Pilot workload at critical flight phases.	Provides flight instrument and communication system back up. ACAS, TAWS, weather radar and autopilot requirements to reduce pilot workload.

Sector 3

For aircraft with a MCPSC greater than 19, the risk has been assessed as similar to the risks for Australian air transport operation. Therefore, the proposed safety controls are drawn from existing Australian air transport operation safety controls.

5.7 Bowtie assessment

A bowtie assessment was undertaken to support the development of this policy and to better understand the risks associated with business transport and owner transport operations. The assessment identified that the key safety risk is the misclassification of operations, arising from ambiguity in the interpretation of 'hire or reward' and the nature of the activity being conducted.

In particular, operations involving indirect economic benefit, complex ownership or management arrangements, and the carriage of persons associated with a business may be conducted as private operations, despite exhibiting characteristics similar to air transport operations. This creates a regulatory gap where the level of safety oversight applied may not be commensurate with the level of operational risk, particularly as aircraft complexity, passenger numbers, and operational scale increase.

The bowtie assessment further demonstrated that this risk cannot be effectively addressed through a binary distinction between private and air transport operations. Instead, a graduated, risk-based approach to safety controls is required. Preventive controls focus on clarifying operational classifications and the circumstances under which operations may be conducted outside the air transport framework, while mitigating controls scale with increasing operational complexity to deliver an appropriate level of safety assurance.

The assessment supports the proposed policy. This includes the introduction of defined classifications for business transport and owner transport and a sector-based model of operational requirements, to achieve improved regulatory clarity, consistency, and proportionate safety outcomes.

6 Other considerations

6.1 Liability insurance

A key consideration in developing the policy for business transport operations conducted without an Air Operator's Certificate (AOC) was the loss of the mandatory liability insurance required under the *Civil Aviation (Carriers' Liability) Act 1959* (the Act).

A business that owns an aircraft and employs personnel who travel in that aircraft would generally be expected to maintain appropriate liability insurance for its employees. However, unlike carriage covered by the Act, any liability may not be subject to statutory limits, and the insurance policy may not extend to employees travelling in a private aircraft. Similarly, individuals or businesses carrying associates as part of a private operation may find that their personal or business liability insurance does not provide adequate cover for passengers.

Aircraft operators will be encouraged to review their insurance arrangements and confirm that appropriate liability coverage is in place for both themselves, and passengers travelling on business transport operations.

6.2 Potential legislation location and guidance

Any final policy arising from this consultation is proposed to be implemented by excluding business transport and owner transport operations from being defined as an Australian air transport operation. The exclusion itself would be done using the not yet developed Part 119 MOS⁴. The requirements related to business transport and owner transport could be located in a combination of the Part 91 MOS, Part 119 MOS or other legislative instruments.

It is also proposed that CASA will develop and publish *Advisory Circular (AC) 119-02 v1.0 - Business Transport* to contain guidance and information for any eventual business transport rules developed following analysis and consideration of the feedback from this consultation.

⁴ Subregulation 119.010(2) of CASR enables the Part 119 MOS to contain such exclusions.

7 Closing date for comment

CASA will consider all comments received as part of this consultation process and will incorporate changes to the regulation as appropriate. Comments on the draft new policy should be submitted through the online response form by close of business 14 September 2026.

Appendix A

Examples

A.1 Examples illustrating classification terminology

Examples regarding facilitating the main business activity and acceptable passengers:

- **Yes** - A dentist with a clinic in the State's capital operates an aeroplane to carry themselves and a hygienist to various regional locations every second week to conduct appointments.
- **No** - An electrical business owns an aircraft that it uses to transport its employees (electricians) to various locations to repair equipment. After conducting a repair at a remote location, the customer's family member travels back to the main centre on the aircraft.

Why? - the passenger is not related to the operation of the owner's or operator's business.

Examples related to recreational purpose and acceptable passengers:

- **Yes** - An aircraft owner uses the aircraft to carry family and friends to a holiday destination.
- **No** - An aircraft owner donates the aircraft for use on a scenic flight as a prize in a local school raffle.

Why? - the flight is not being conducted for the private, personal or recreational purposes of the owner and the passengers do not have a personal connection with the owner.

- **No** - An aircraft owner pilots their aircraft and carries a passenger requiring non-urgent medical transport at no charge to the closest hospital. The owner receives free fuel from a third party for conducting the flight.

Why? - the flight is not being conducted for the private, personal or recreational purposes of the owner. The passengers do not have a personal connection with the owner, and the owner is receiving reward directly related to the carriage of the passenger.

Examples regarding acceptable hire or reward:

- **Yes** - A mining company owns and operates an aircraft to fly employees, contractors and supplies to and from the mine site. The cost of operating the aircraft is an operating expense for the mine, and the company does not receive payment from anyone for the transport of passengers or cargo, but the operator is receiving reward overall (as the owner of aircraft being used).
- **Yes** - An air charter company (AOC holder) manages a Global Express for an aircraft owner for a fee. The agreement requires the AOC holder to be the registered operator, provide flight crew and operational support to fly the aircraft for the owner's business and recreational purposes, and allows the AOC holder to also use the aeroplane for non-scheduled air transport operations.
- **No** - A business operates an aircraft to fly employees to various locations where the employees have appointments to provide services to persons at those locations. The business charges those persons for the employee's time and an additional fee for the employee's travel cost.

Why? - the operator is receiving a reward directly related to the carriage of the passenger.

- **No** - A farmer operates the farm-owned aeroplane to carry produce from surrounding farms to be sold at the market, and the farm receives payment for the transport of the cargo.

Why? - the operator is receiving a specific payment for the carriage of the cargo.

A.2 Examples falling within the policy intent

Examples of business transport under the proposed policy:

- A health services company is paid to deliver health care at a remote location and hires an aircraft to transport its staff to that location as follows:
 - either the owner of the company or an employee of the company are the pilots operating the aircraft (the company becomes the operator)
 - the operator, being the company, does receive payment for the transport but it is NOT specific to the carriage of the employees to the remote location as it is an overall payment for the provision of the health service at the remote location
 - the employees/contractors do not pay or provide any other form of reward for the transportation, and the health services company funds the flights as an operating expense
 - the only passengers on board are the company's employed and contracted health professionals and support staff and the flight is not advertised to the public.
- An aircraft maintenance organisation owns an aircraft where the owner of the company is a pilot who operates the aircraft (the company is the operator), to transport the company's employees and contractors to locations where they perform maintenance activities (facilitates main business activity). The employees/contractors do not pay or provide any other form of reward for the transportation (reward received for the maintenance activity but it is not specific to the passenger carriage).
- A company owns an aircraft and uses it for the business-related travel of its directors and employees (meets business transport main business activity and persons on board limitations). The company has an agreement with an operator to manage the company flights for a fee and the directors/employees do not pay or provide any other form of reward for the transportation (operator is ok to receive the reward as the aircraft is being operated for the owner's business purposes).
- A limited liability farming business owns an aircraft; The farmer is a shareholder and director of the business and uses the aircraft to fly to a major centre to pick up a tradesman or contractors to work on the farm.

Example of owner transport under the proposed policy:

- A company owns an aircraft, and an AOC holder operates the aircraft on behalf of the owner who makes it available to the company directors and employees for recreational travel (meets owner transport recreational purpose and passenger carriage limitations). The directors/employees travelling as passengers do not pay or provide any other form of reward for the transportation (the owner does not receive any reward specific to the passenger transport). The operator receives payment for operating the aircraft.

A.3 Examples of operations NOT falling within the policy intent

Examples of operations that accordance with the proposed policy are not considered business transport or owner transport:

- A company is established for the exclusive purposes of providing free transport for persons. It owns or hires aircraft and is determined to be the operator. It does not charge those persons for the transport or receive any other kind of reward.

Why? - this is NOT business transport or owner transport as it is already a private operation.

- The owner of a hotel owns or hires an aircraft and is determined to be the operator. It uses the aircraft for the purpose of transporting guests of the hotel to or from the hotel premises. The guests are not required

to provide any reward specifically in relation to that transport however the cost of the flight is built into the room rates paid for the accommodation.

Why? - this is NOT business transport as the hotel guests are not connected with the operation of the main business activity of the owner - they are customers. It is NOT owner transport as the flight is not for the recreational purposes of the owner (it would be air transport as a reward is received by the operator for the transport).

- The owner of an entertainment business owns or operates an aircraft and is determined to be the operator. The aircraft are used to transport members of the general public to utilise the services provided at its business premises. The persons transported do not pay for the transportation, but it is expected that they will spend money on the services made available at the business premises.

Why? - this is NOT business transport as the passengers carried are not related to the main business activity, they are customers of the business and reward is being received by the operator. It is NOT owner transport as the flight is not for the recreational purposes of the owner (it would be air transport as a reward is received by the operator for the transport).

- Company A does not own any aircraft. Company A engages an entity whose primary business is the provision of air transport services (this entity is the operator) to transport employees of Company A between different destinations for the business-related purposes of Company A. Company A pays the operator for the transportation but the employees of Company A do not make any payment for the flight.

Why? - This is NOT business transport or owner transport as the aircraft being used is not owned or being operated Company A (it would be air transport as a reward is received by the operator for the transport).

- A farming business is an aircraft operator and operates an aeroplane regularly to a town to pick up supplies for the farm (for example, fresh goods, fertiliser, tools and cattle drench). Reward is therefore likely to have been received.

Why? - This is NOT business transport or owner transport as it is already a private operation because the flight is carrying the possessions of the operator for the purpose of business and is therefore excluded from being a cargo transport operation.

Appendix B

ICAO SARP analysis

B.1 Key ICAO information

The ICAO Standards and Recommended Practices (SARPs) in Section 2 of Annex 6, Part II, apply to all international general aviation aeroplane operations. Section 3 of Annex 6, Part II, provides additional SARPs for aeroplanes conducting international general aviation operations with a maximum certificated take-off mass exceeding 5,700 kg or equipped with one or more turbojet engines. The SARPs applicable to international general aviation helicopter operations are contained in Section 3 of Annex 6, Part III.

International general aviation operations are operations involving aeroplanes and helicopters where the operator is not engaged in the transport of passengers, cargo or mail for remuneration or hire.

B.2 ICAO SARPs not encompassed by this proposal

CASA's analysis is that the following ICAO Annex 6 Parts II and III SARPs are not covered by this proposal, but readers should be aware that other existing regulations may satisfy a particular SARP:

- All aircraft operating in the proposed sectors 1 and 2:
 - Procedures for performance-based navigation.
 - Procedures for the approval of an electronic flight bag.
 - Requirement for:
 - » a first aid kit
 - » briefing cards
 - » briefing during an emergency.
- For aircraft operating in the proposed sector 2:
 - Requirement for a take-off alternate.
 - Cabin crew training program.
- For aircraft operating in the proposed sector 3:
 - Procedures for performance-based navigation.
 - Briefing during an emergency.

Appendix C

Transport Canada (TC) / FAA / EASA definitions comparison

A comparative review of the TC, FAA and EASA definitions related to business transport was conducted and is summarised in Table 10.

Table 10: Comparative business transport definitions

Term	NAA	Definition or explanation	Source	CASR equivalent
Private operators	TC	A private operator is the holder of a Private Operator Registration Document. TC CAR Subpart 604 applies to certain Canadian aircraft (including large aeroplanes, turbine-powered aircraft, pressurised aircraft and multi-engine aircraft) operated privately for the purpose of transporting passengers or goods.	TC CARs 101.01 (definition of private operator) TC CARs 604.02–604.03	Proposed business transport policy would apply.
Non-commercial operations	TC	Non-commercial operations are operations that are not a commercial air service (i.e. the aircraft is not used for hire or reward).	TC Aeronautics Act, s 3(1) (definition of commercial air service). TC CARs 101.01 (commercial air service categories, e.g. air transport service and aerial work).	Proposed business transport policy would apply.

Term	NAA	Definition or explanation	Source	CASR equivalent
Common carriage	FAA	Holding out or a willingness to transport persons or property from place to place for compensation	FAA AC 120-12A	Australian air transport.
Non-common carriage or private carriage	FAA	Transport persons or property from place to place for compensation.	FAA AC 120-12A	Australian air transport or closed charter (the latter being a colloquial term not defined in Australian legislation).
Fractional ownership	FAA	Program of shared aircraft ownership conducted under the requirements of FAR Parts 91 and 91.K, minimum shareholding required, aircraft are managed.	FAA AC 91-84	No equivalent. Proposed business transport policy would apply.
FAR Part 125 Operations	FAA	Uniform set of rules for the operation of large aircraft having a seating capacity of 20 or more passengers or a maximum payload of 6,000 pounds or more when these aircraft are being operated for non-common carriage purposes.	FAA AC 125-1	No equivalent. Proposed business transport policy would apply.
FAR Part 135 Operation	FAA	Commuter – on demand (no weight limits).	FAA Part 135	Parts 119/121, 133 or 135 of CASR.
FAR Part 91 Operation	FAA	General Operating and flight rules.		Part 91 of CASR, proposed business transport policy would apply.
FAR Charitable flights	FAA	Passenger-carrying flights for the benefit of a charitable, nonprofit, or community event.	FAR 91.146	No current equivalent in CASR - the Public Benefit flying General Aviation Workplan item contains consideration of codifying rules for charity flights.
Part NCO	EASA	Part NCO - Non-commercial with other-than-complex motor-powered aircraft. Part-ORO - Organisation Requirements is not applicable to Part NCO Operator.	Part NCO	Part 91 of CASR – similar to NCO requirements. Part 119 of CASR – similar to Part ORO requirements.

Term	NAA	Definition or explanation	Source	CASR equivalent
Part NCC	EASA	Part NCC - Non-commercial operations with complex motor-powered aircraft (NCC). Part-ORO, Organisation Requirements is applicable to Part NCC Operator.	Part NCC Part ORO	Elements of Parts 121, 133 and 135 of CASR – similar to Part NCC requirements (the direct equivalent EASA rules are Part CAT). Part 119 of CASR – similar to Part ORO requirements.
non-commercial	EASA	Any operation that does not fall within the definition of commercial operation is non-commercial. These operations are divided into non-commercial with complex motor-powered aircraft (NCC) non-commercial with other-than-complex motor-powered-aircraft (NCO)	Definitions	Private operation.
commercial operation	EASA	shall mean any operation of an aircraft, in return for remuneration or other valuable consideration, which is available to the public or, when not made available to the public, which is performed under a contract between an operator and a customer, where the latter has no control over the operator.'	Definitions	air transport

Appendix D

TC / FAA / EASA business transport regulatory requirements comparison

A comparative review of the TC, FAA and EASA regulatory requirements related to business transport was conducted and is summarised below.

This comparison highlights areas of alignment across jurisdictions, particularly in the treatment of business and owner transport as a form of private or general aviation, the limited regulatory intervention applied to lower-risk operations, and the introduction of graduated requirements as aircraft size, passenger capacity, or organisational complexity increases.

Foreign regulator key common points:

- Business and owner transport is conducted as a private or general aviation operation.
- No additional requirements to the general flight operations rules for small aircraft.
- TC and EASA require a declaration if conducting operations with a MOPSC greater than 19 - no specific approval is required.
- TC and FAA provide an additional subpart to Part 91 for business transport (however described) in large aeroplanes.
- FAA provides Part 125, for more than 20 passengers or 6,000 lbs payload- approval is required.
- FAA approval is required for operations with more than 2 aircraft in a fractional ownership program.
- EASA provides a specific rule set for the sector; non-commercial complex operations (NCC), and non-commercial operations with other than complex motor-powered aircraft (NCO).

Table 11 provides detail of the TC, FAA and EASA regulatory requirements in relation to business and owner transport (however described).

Table 11: Foreign business and owner transport regulatory requirements

NAA	Name of sector	Prescribed by	Applicable legislation	Application	Approval required	Key add-on to general operating rules	Flight crew
TC	Private operators	Subpart added after Gen Ops regs	604.01 Subpart 4	- Large aeroplanes - Turbine-powered aircraft - Pressurised aircraft - Multi-engine aircraft	No. Private Operator Registration Document (if not requiring any special authorisation registration only is required)	- Accountability and key personnel position descriptions - Operation control system - Flight dispatch - Aircraft Operating Manual - Operations Manual - Operational Flight Data Sheet - Flight and duty time limits - Maintenance Control System - Training System - Safety Management System	Private pilot licence (TC 401.26)
FAA	General Aviation	FAR Part 91	§91.501 – §91.227 §91.401–§91.421	Small aeroplanes (below 12500lbs / 5700kgs)	No	No additional requirements	Private pilot licence (§ 61.113)
FAA	Operations not involving common carriage	Additional subpart to Part 91	§91.501 – §91.599	- Large aeroplanes (above 12500lbs/ 5700kgs)) - Turbojet aeroplanes	No	- Availability of aircraft equipment and operating information. - Pilot familiarity with operating limitations and emergency equipment. - Survival equipment for overwater operations. - Flight altitude rules. - Passenger information and briefings. - Carry-on baggage and Cargo. - Operating in icing. - Second in command requirements.	Private pilot licence (§ 61.113)

NAA	Name of sector	Prescribed by	Applicable legislation	Application	Approval required	Key add-on to general operating rules	Flight crew
						- Flight attendant requirements. - Equipment stowage. - Performance. - Data recorders and cockpit voice recorders.	
FAA	Fractional ownership programs Note: A minimum fractional ownership interest means: - A fractional ownership interest equal to, or greater than, one-sixteenth (1/16) of at least one subsonic, fixed-wing or powered-lift program aircraft, or - A fractional ownership interest equal to, or greater than, one-thirty-second (1/32) of at least one rotorcraft program aircraft.	Additional subpart to Part 91	§91.1001–§91.1443	More than 2 aircraft in a fractional ownership program.	Approved management specifications	- In addition to the requirements of 91.501 – 91.599: - Program manager - Safety reporting - Operating manual - Weather radar - TAWS/ACAS - Drug and alcohol education - Qualifications, experience, and training of employed pilots - Flight and duty time limitations - CAMO	Professional pilot licence
FAA	Operations not involving common carriage	FAR Part 125	Entire part	Aircraft with a MCPSC of 20 or more or	Part 125 operating certificate	- Entire FAR Part covering: - Certification - Manuals	Professional pilot licence (§ 125.281)

NAA	Name of sector	Prescribed by	Applicable legislation	Application	Approval required	Key add-on to general operating rules	Flight crew
				payload capacity of 6000lbs / 2727kgs or more		- Special airworthiness requirements - Equipment - Maintenance - Flight crew requirements - Operational requirements - Flight release - Record keeping - CAMO - Multi-engine airplanes with more than 19 seats or a maximum take-off weight greater than 19,000 lbs must be certificated in the transport category.	
FAA	Part 135 On-Demand Operations	FAR Part 135	Entire Part	The commuter or on-demand operations of each person who holds or is required to hold an Air Carrier Certificate or Operating Certificate under part 119 of this chapter.	AOC	- Entire FAR Part covering: - Certification - Manuals - Operational procedures - Equipment - Maintenance - Flight crew requirements - Operational requirements - Flight and duty times - Responsibility for operational control - Record keeping - Large non-transport category performance - Small non-transport category performance	

NAA	Name of sector	Prescribed by	Applicable legislation	Application	Approval required	Key add-on to general operating rules	Flight crew rules
						– Commuter category performance – Rotary air ambulance – Additional airworthiness for 10 or more pax • Provides for a scaled approach: – Single-pilot: » A single-pilot operator is a certificate holder that is limited to using only one pilot for all part 135 operations. » That specific pilot is listed by name and the regulations do not require a single-pilot operator to develop and maintain manuals, training programs or designate a chief pilot or head of maintenance. However, they are required to provided DG training and designate key persons responsible for operational control. – Part 135 Single PIC: » A single PIC operator is a certificate holder that is limited to using only one PIC and up to three second-in-command (SIC) pilots for all part 135 operations.	

NAA	Name of sector	Prescribed by	Applicable legislation	Application	Approval required	Key add-on to general operating rules	Flight crew
						» The PIC and the SIC(s) are listed by name duty position and certificate number on the ops specs. Aircraft are limited to those type certificated (TC) with 9 passenger seats or less. » Operations are limited to the United States, Canada, Mexico, and the Caribbean; and No Category II (CAT II) or Category III (CAT III) instrument approach operations are allowed. • Basic Part 135: – A basic part 135 operator has the following limitations: » maximum of five pilots, including SICs » maximum of five aircraft limited to three different types » nine passenger seats or fewer and the same limited area of operations, and » restrictions on instrument approaches as the Part 135 Single Pilot PIC. • Standard Part 135: – No limitations other than provided in the Ops Specs	

NAA	Name of sector	Prescribed by	Applicable legislation	Application	Approval required	Key add-on to general operating rules	Flight crew rules
						Standard part 135 operators are required to develop and maintain manuals, training programs, and have the required part 119 management positions.	
EASA	Non-commercial operations with other than complex motor-powered aircraft Note: Non-commercial includes private flights, corporate flights ⁵ , managed flights ⁶ , as distinct from a commercial operation ⁷ .	Separate rule set NCO	ANNEX VII (Part-NCO)	Aircraft that are not complex motor-powered aircraft ⁸	No		Private Pilot Licence (FCL.205.A PPL(A))
EASA	Non-commercial operations with complex motor-powered aircraft	Separate ruleset ORO -NCC	- NCC - Cover Regulation Air operations	- Complex motor-powered aircraft. - An aeroplane:	Declaration required	Information on emergency and survival equipment Transport of dangerous goods Minimum equipment list	Private Pilot Licence

⁵ Corporate flights, under EASA's rules, are flights conducted for business purposes: the operator may carry its own personnel and/or property in the interest of business. Another term used is business flight.

⁶ Managed flights, under EASA's rules, are flights operated by an operator for the business purposes of the aircraft owner, with no remuneration or other valuable consideration involved.

⁷ Commercial operations, under EASA's rules, means any operation of an aircraft, in return for remuneration or other valuable consideration, which is available for the public or, when not made available to the public, which is performed under a contract between an operator and a customer, where the latter has no control over the operator.

⁸ See the next row of this table for a description of what EASA consider a complex motor-powered aircraft.

NAA	Name of sector	Prescribed by	Applicable legislation	Application	Approval required	Key add-on to general operating rules	Flight crew rules
	Note: See footnotes associated with the previous row about the EASA NCO rules for a description of non-commercial operations and commercial operations.		- Annex I: Definitions for terms used in Annexes II to VIII - Annex III: Part-ORO: Organisation requirements - Annex VI: Part-NCC: Non-commercial operations with complex motor-powered aircraft (CMPA)	- with a maximum certificated take-off mass exceeding 5 700 kg or, - certificated for a maximum passenger seating configuration of more than nineteen or- - certificated for operation with a minimum crew of at least two pilots or, - - equipped with (a) turbojet engine(s) or more than one turboprop engine; - A helicopter certificated: - for a maximum take-off mass exceeding 3 175 kg or, - for a maximum passenger		Immediate reaction to a safety problem Aerodrome operating minima Fuel and oil supply Ice and other contaminants In-flight fuel management Ground proximity Weighing (A+H) Performance General & approval requirements for equipment -VFR/IFR instruments and equipment Equipment for flight over water & ditching Communication and nav equipment	(FCL.205.A PPL(A))

NAA	Name of sector	Prescribed by	Applicable legislation	Application	Approval required	Key add-on to general operating rules	Flight crew
				seating configuration of more than nine or, – for operation with a minimum crew of at least 2 pilots			
EASA	Non-commercial operations with other than complex motor-powered aircraft (see footnotes associated with the previous row about the EASA NCC rules for a description of non-commercial operations and commercial operations)	Separate rule set NCO	ANNEX VII (Part-NCO)	Aircraft that are not complex motor-powered aircraft with no reward or other valuable consideration involved.	No		Private Pilot Licence (FCL.205.A PPL(A))