



DIRECTORATE GENERAL TECHNICAL AIRWORTHINESS
Australian Defence Force

TAR POSITION PAPER 2/2008

TECHNICAL AIRWORTHINESS REGULATION 4.2.2.e

Introduction

1. Technical Airworthiness Regulation 4.2.2.e states that a non-ADF applicant shall only be certified as an AMO, or retain AMO certification, whilst under contract to the ADF. This regulation is too restrictive. As the ADF Technical Airworthiness Regulator, I intend to provide clarity on the necessary contractual arrangements for AMOs.

Purpose

2. The purpose of this Position Paper is to describe the circumstances in which a non-ADF applicant may be certified as an AMO, or retain AMO certification, without being in direct contract to the ADF.

Regulation 4.2.2.e

3. The justification for requiring AMOs to be in contract with the Commonwealth¹ for ADF aviation maintenance is under review. In the interim, there is no Technical Airworthiness regulatory requirement for a non-ADF applicant seeking AMO certification to be in **direct** contract with the Commonwealth. A non-ADF organisation can become an AMO provided that there is a chain of contracts, flowing from the Commonwealth to the AMO, in which the AMO terms and conditions can be cascaded. Thus an AMO may be a direct contractor to the Commonwealth, a subcontractor to the organisation in direct contract to the Commonwealth, a subcontractor to the subcontractor, and so on. The AMO certification would relate directly to the scope and level of the contracted maintenance.

Conclusion

4. This Position Paper clarifies the required contractual arrangements for AMOs. During 2008, a Notice of Proposed Rule Making will be issued on the contractual requirements for AMOs. The NPRM may propose the relaxing of the requirement for any form of contractual arrangements to be linked to AMO certification. If there is a need to clarify or amplify parts of this TAR Position Paper, revisions will be issued.

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¹ The term Commonwealth is used from here on in this Position Paper because organisations cannot contract directly with the ADF.