

Summary of the Detention Case 16-01-2013

General

Ground for detention

The vessel was detained due to the following detainable deficiencies:

- 1) 05108-Performance standards for radio equipment - MF/HF RADIO DSC FAILURE TEST BY DC AND AC; and
- 2) 07106-Fire detection and alarm system - FIRE DETECTION SYSTEM NOT PROTECTED BY FIXE FIRE DETECTION AND FIRE ALARM SYSTEM.

(Note: The second detainable deficiency was listed in the detention order by the port State Authority but entered into the APCIS with action code 99.)

Dispute

The RO did not agree with the detention by the port State Authority and expressed views that:

1. The MF/HF radio test failure was assumed because there were some obstructions against the radio wave, such as strong electric current or noise of Shore Facilities rather than equipment problem as it was confirmed during the occasional survey next day that MF/HF Radio Communication was in proper condition after slight shifting of ship's position without any repair/ maintenance; and
2. Regarding "Fire control station not protected by fixed fire detection & fire alarm system", the space/room in question is not required to install fire detection alarm system based on the protection method adopted in accordance with the SOLAS regulation.

Based on the above, the RO is of the opinion that the detention was not justified.

The port State Authority is of the opinion that:

1. The MF/HF radio DSC test was failed; i.e. the test call from low frequency to high frequency to a coastal station was with no reply;
2. In accordance with Regulation IV/4 of SOLAS and Appendix 2 to Resolution A.1052(27), "failure of the proper operation of the radio equipment for distress and safety communication" is considered a detainable deficiency;
3. Fixed fire detection and alarm system should be provided for the control station in accordance with SOLAS Ch.II-2 Regulation 7.

Therefore the detention was justified.

Opinions of the panel

The panel members reviewed the relevant information and materials received. As the result of evaluation, panel members reached general opinions as follows:

1. The PSC officer should understand that it is entirely feasible and not uncommon for ships not to be able to demonstrate the operation of the MF/HF DSC test in port due to obstructions or topography;
2. When the PSC officer found the MF/HF DSC test failed for one station, he should have asked the crew in charge to test alternative stations available and also examine the radio log and records of test;
3. Since it would be difficult for the PSC officer to decide whether the equipment was malfunction or not during the inspection, it would be more reasonable to use action code 17-rectify deficiency before departure instead of code 30-detention;
4. Should the PSC officer have question regarding provision of fixed fire detection and alarm system in control station, he should consult and confirm with the flag State or the RO before taking any action; and
5. Since it is the responsibility of the flag State or RO to examine and approve fire safety system/arrangements, it would not be appropriate to put the issue of this kind as deficiency or for detention straightaway without consultation with the flag State or RO.

Conclusion

The panel members are of the unanimous opinion that the decision of detention was not justified. Therefore, the port State Authority would be requested to re-consider the decision of the detention.