

CONFLICTS OF INTEREST POLICY

23th APRIL 2026
VERSION 1



AN tAONAD UM IMSCRÚDÚ TAISMÍ MUIRÍ
MARINE ACCIDENT INVESTIGATION UNIT

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1.0 PURPOSE

The Minister for Transport shall publish this Conflicts of Interest policy (“the Policy”) in accordance with Section 11 of the [Merchant Shipping \(Investigation of Marine Accidents\) Act 2025](#), hereinafter referred to as “the Act”. The Policy relates to the performance of the function of the Marine Accident Investigation Unit (the “MAIU”).

The purpose of the Policy shall be to ensure the independence of the MAIU in its organisation, the performance of its functions and to ensure the independence and impartiality of investigators, staff members, consultants and advisers. The Policy (and any revision to it) is prepared by the Minister in consultation with the Chief Investigator, the designated person appointed under s.11(4) of the Act, and any other person that the Minister considers appropriate.

The Irish maritime community is a small community, and Investigators including the Chief Investigator may have had prior engagement in this community and with the individuals and organisations therein. Prior interaction with the maritime community does not automatically infer a conflict of interest. Noting the challenges that a small maritime community presents with regard to the potential or perceived conflict of interest, the Policy shall outline the procedures in place to ensure that the functions of the MAIU are carried out with the highest standards of conduct.

The Policy is intended to operate alongside (and does not replace) applicable Civil Service policies and procedures, including the Civil Service Code of Standards and Behaviour and applicable disciplinary procedures.

2.0 SCOPE

The Policy applies to all staff members of the MAIU and extends to consultants, advisers and contractors appointed pursuant to the Act. The Policy should be read in conjunction with the [Civil Service Code of Standards and Behaviour](#) and the Ethics in Public Office (Designated Positions in Public Bodies) Regulations, insofar as these apply to the relevant position. The Policy applies whenever an individual recognises, or should reasonably recognise, that a conflict of interest may arise from their current or future activities.

3.0 IDENTIFICATION OF CONFLICTS OF INTEREST AND POTENTIAL CONFLICTS OF INTEREST.

A conflict of interest arises when an individual has an interest (a non-exhaustive list of examples is outlined in Annex 1) which may compromise that individual’s obligations to, and their independence in carrying out the functions of the MAIU. It is a set of circumstances that creates a risk that an individual’s ability to apply judgement could be impaired or influenced. Examples include where an interest

might provide an incentive to the individual which affects their actions, particularly in circumstances where the individual has the opportunity to affect or influence a decision of the MAIU. A conflict of interest includes perceived and potential as well as actual conflicts of interest. A perceived conflict of interest is one which a reasonable person would consider likely to compromise objectivity. A potential conflict of interest is a situation which could develop into an actual or perceived conflict of interest. An actual conflict of interest arises where a direct conflict exists between current official duties and existing private interests.

For the avoidance of doubt, the obligation under the Policy is to identify and disclose actual, potential and perceived conflicts of interest. Where the Policy refers to an individual's "belief", it is intended to reflect the language used in section 11 of the Act and does not require certainty.

4.0 STAGES AT WHICH CONFLICTS OF INTEREST OR POTENTIAL CONFLICTS OF INTEREST MAY ARISE.

The presence of conflicts of interest shall be determined by an investigator at each of the following stages of the investigative process insofar as they apply:

- Initial Notification of Occurrence.
- Preliminary assessment of marine accident.
- Assignment of Investigation.
- At any other time during the course of an investigation or processing of an occurrence.

In addition, individuals to whom the Policy applies must remain alert to conflicts arising at any time (including between investigations) and must make a disclosure as soon as the conflict is identified or reasonably should be identified.

The Chief Investigator will ensure that a conflicts check is completed and recorded at (i) preliminary assessment stage, (ii) appointment of investigator-in-charge, and (iii) any material change in investigation scope, parties, or evidence that could reasonably give rise to a new actual, potential or perceived conflict.

5.0 ROLES AND RESPONSIBILITIES OF PERSONS IN RELATION TO WHOM CONFLICTS OF INTEREST OR POTENTIAL CONFLICTS OF INTEREST MAY ARISE.

5.1 Investigators

An investigator shall not be an employee or board member of any company or

body that carries on activities that could conflict with the functions of the MAIU.

Should an investigator believe that performing any of his or her functions in respect of a particular marine safety investigation would:

- (a) potentially create a conflict of interest, the investigator shall recuse himself or herself from involvement in the investigation in question and shall notify the designated person and the Chief Investigator of the recusal, or
- (b) reasonably give rise to the perception of a conflict of interest, the investigator shall notify the Chief Investigator and shall, where the Chief Investigator is of the view that it is the appropriate course of action, recuse himself or herself from the investigation in question; or

Where a disclosure is made under this section, the Chief Investigator may require the investigator to provide sufficient information to assess the conflict and to implement appropriate mitigations (including reassignment), subject to confidentiality and data protection requirements.

For clarity and consistency with section 11(8) of the Act, an investigator will treat a “potential” conflict as requiring recusal and notification under paragraph 5.1(a) above, and will treat a “perceived” conflict as requiring notification under paragraph 5.1(b) above (and recusal where directed by the Chief Investigator).

An investigator must not participate in any MAIU decision, analysis, recommendation, stakeholder engagement or report drafting that relates to an investigation from which the investigator is recused, except to the extent expressly authorised in writing by the Chief Investigator for limited administrative purposes and subject to any conditions set by the Chief Investigator.

5.2 Chief Investigator

The Chief Investigator shall not be an employee or board member of any company or body that carries on activities that could conflict with the functions of the MAIU.

Should the Chief Investigator believe that performing any of his or her functions in respect of a marine safety investigation would potentially create a conflict of interest or give rise to the perception of any conflict of interest, he or she shall disclose this view to the designated person and shall recuse themselves from the investigation in question and the designated person may, where the Chief Investigator is the investigator-in-charge of the investigation, appoint another investigator to be the investigator-in-charge.

Furthermore, if the Chief Investigator has cause to believe that an issue has arisen that may compromise the independence of the MAIU, he or she shall disclose this view to the designated person.

The Chief Investigator will maintain appropriate arrangements to document recusals, reassignment decisions and mitigation measures taken under this policy.

Without limiting section 10(3) of the Act, where the Chief Investigator becomes aware of any attempt (direct or indirect) by any person to influence the conduct or outcome of a marine safety investigation in a manner that could compromise MAIU independence, the Chief Investigator will document the matter and notify the designated person as appropriate.

5.3 Officers of the MAIU (other than investigators)

Officers of the MAIU other than investigators are those officers that fulfil non-investigative functions within the MAIU and in general support the efficient running of the unit. These officers are civil servants and along with investigators, who are also civil servants, are bound by the Civil Service Code of Standards and Behaviour. The [Civil Service Code](#) provides that civil servants:

- may not engage in, or be connected with, any outside business or activity, which would in any way conflict with the interests of their departments or be inconsistent with their official positions, or tend to impair their ability to carry out their duties as civil servants.
- intending to be engaged in or connected with any outside business/employment should inform HR.
- must never seek to use knowledge acquired in the performance of their official duties to benefit themselves or others.
- who, in the course of their official duties, encounter any matter affecting any commercial undertaking in which they have an interest, must immediately disclose the nature and extent of that interest to the Secretary General.
- who occupy "designated positions" have additional obligations regarding the disclosure of interests to any which apply generally to civil servants.

An Officer of the MAIU shall notify the Chief Investigator immediately if they believe that a conflict of interest (actual, perceived or potential) has arisen in the course of their duties.

Where a conflict is notified by an Officer of the MAIU, the Chief Investigator will determine and document appropriate mitigations, which may include restricting access to investigation material, reassignment of tasks, and/or additional confidentiality controls.

5.4 Consultants and Advisers

For the purposes of the performance of the functions of the MAIU and on the recommendation of the Chief Investigator, the Minister may engage such consultants and advisers as the Chief Investigator considers necessary for the purpose of conducting a marine safety investigation.

Any such consultants and advisers will be subject to the same provisions as an investigator of the MAIU, and are required to, before engagement, complete and return the Declaration of Interests as included in Annex 2.

In the course of a marine safety investigation, where the Chief Investigator is informed of or has reasonable grounds to suspect a conflict of interest on the part of a consultant or adviser who has been engaged under Section 13(1) of the Act, he or she may arrange for the termination of the agreement under which the consultant or adviser was engaged and, where the agreement is terminated, shall notify the designated person of the termination of the agreement and the reasons for it.

For the avoidance of doubt, the Chief Investigator must be satisfied before engagement (section 13(2) of the Act) that the engagement is in accordance with this policy, including that any identified conflicts are appropriately mitigated or that the individual is not engaged.

5.5 Designated Person

The designated person means a person designated pursuant to section 11(4) of the Act and this person is identified in Section 8 of this Policy. The designated person shall remain in his or her role until he or she dies, retires, resigns or comes to a mutual agreement with the Minister to no longer continue in that capacity and, in that event, the Minister shall designate another person under section 11(4).

The functions of the designated person shall be the following:

- (a) to manage conflicts of interest that may arise in the MAIU;
- (b) to advise the Minister in relation to the operation of the conflicts of interest policy and, where from time to time it becomes advisable to review the policy, of this fact and of the reasons for it; and
- (c) to manage matters relating to confidentiality that may arise in the MAIU.

Where the designated person receives a notification under section 11(8)(a) or a disclosure under section 11(9), he or she shall:

- (a) in the case of a disclosure under section 11(9), notify the unit within the Department of Transport that is responsible for human resources, which may

carry out an enquiry as to whether there has been a breach of the conflicts of interest policy, and

- (b) in either case form a view as to whether or not there should be a review of the conflicts of interest policy and, if he or she is of the view that a review is required, inform the Minister and the Chief Investigator of that view and of the reasons for it and the Minister shall decide whether to revise the conflicts of interest policy and section 11(1) of the Act shall apply to any such revision.

Where the designated person receives a notification under Section 13(4) of the Act, they shall form a view as to whether or not there should be a review of the conflicts of interest policy and, if he or she is of the view that a review is required, inform the Minister and the Chief Investigator of that view and the Minister shall decide whether to revise the conflicts of interest policy and section 11(1) shall apply to any such revision.

The designated person may request additional information from the Chief Investigator for the purposes of forming a view under section 11(10)(b) or section 13(5) of the Act.

5.6 Human Resources Division of the Department of Transport

The unit within the Department of Transport that is responsible for human resources may be required to carry out an enquiry as to whether there has been a breach of the conflicts of interest policy. During the course of any enquiry they undertake, should they become aware of any conflict of interest due to their relationship with a party connected to an alleged breach of conflicts of interest policy, they shall recuse themselves and inform their Head of Function immediately.

For clarity, nothing in the Policy limits HR's ability to apply normal Civil Service procedures in respect of conduct, ethics or disciplinary matters, as appropriate.

5.7 Removal from a marine safety investigation

Where, following an enquiry, human resources determines that an investigator has breached the Policy:

- (a) the investigator concerned shall cease to be involved in the marine safety investigation in relation to which it has been determined that there has been such a breach and, where the designated person and, unless the investigator concerned is the Chief Investigator, the Chief Investigator is of the view, given the nature of the breach, that it would not be appropriate for the investigator to continue in his or her role in other investigations, he or she may be removed from those investigations also, and

- (b) the investigator may, depending on the nature of the breach, be subject to disciplinary procedures. This section is without prejudice to earlier recusal requirements under section 5.1 and section 5.2 above.

6.0 PROCESSES FOR THE DISCLOSURE OF CONFLICTS OF INTEREST.

The processes for the disclosure of conflicts of interest are set out for each role in the MAIU in section 5.0 of the Policy document, and a template for notification of disclosures is included in Annex 3.

The Chief Investigator will ensure that disclosures and recusals are recorded and retained in accordance with the Department's record retention requirements, subject to confidentiality obligations under section 28 of the Act and data protection requirements.




Where appropriate, the Chief Investigator (or the designated person, as applicable) may implement mitigation measures as an alternative to recusal, provided that the mitigation measures are sufficient to address the relevant actual, potential or perceived conflict and are documented. For perceived conflicts notified under section 11(8)(b) of the Act, mitigation may include additional oversight, restrictions on external engagement, or reframing of tasks, where recusal is not considered necessary.

7.0 PROTECTED DISCLOSURES

Nothing in the Policy prevents any individual from reporting a Protected Disclosure by following the Department of Transport's Protected Disclosure Policy available on the hub and through this link.

8.0 CONTROL

The Policy remains in force until replaced by a later version.

TITLE	NAME	SIGNATURE	DATE
Minister for Transport	Darragh O'Brien TD		26 MAY 2026
Designated Person	Róisín Cahillane, Assistant Secretary General, Corporate Affairs and Central Policy, Department of Transport		26 MAY 2026
Chief Investigator	David O'Driscoll		26 MAY 2026

ANNEX 1: EXPLICATORY EXAMPLES OF A CONFLICT OF INTEREST

It is not possible to define all circumstances which may give rise to a conflict of interest, but the following examples are given to provide you with some guidance. Please note that this list is not exhaustive.

Investigations

1. Investigators engaging in private practice in their professions.
2. Receiving instruction from any officer of the Minister whose decision-making relates to seaworthiness of ships, certification of ships or seafarers, inspection of ships, manning of ships, etc. See Section 10(3) of the Merchant Shipping Act 2025.
3. Having a financial interest (e.g. holding shares or options) in a party to an investigation or any entity involved in an investigation.
4. Having a close family member (which term includes unmarried partners) or personal friends who is a party to, or directly involved in, an investigation.
5. Receiving any kind of monetary payment or non-monetary gift or incentive from any party to an investigation or their representatives.
6. Being employed by (as staff member or volunteer) or providing services to any outside business or activity that conflict in any way with the interests of the MAIU; is inconsistent with their official positions or impairs their ability to carry out their civil service duties.
7. Seeking to use knowledge acquired in the course of their official duties to benefit themselves or anyone with whom they have personal, familial or other ties.

Financial

1. Having a financial, economic or other personal interest in the outcome of the evaluation of any tender evaluation process.
2. Being a member of a tenderer's management/executive board.
3. Receiving any kind of monetary payment or non-monetary gift or incentive from any tenderer or its representatives.
4. Canvassing, or negotiating with, any person with a view to entering into any of the arrangements outlined above.
5. Having a financial interest (e.g. holding shares or options) in a tenderer or any entity involved in any tendering consortium.

6. Having any role in preparing, evaluating or influencing a procurement, contract award or contract management decision in which you (or a connected person) have a financial or other relevant interest.
7. Having a close family member (which term includes unmarried partners) or personal friends who falls into any of the categories outlined above.

ANNEX 2: DECLARATION OF INTERESTS TO BE COMPLETED BY CONSULTANTS AND ADVISERS

Investigation/Contract Title:

Consultant/Adviser Name:

Company Name (if applicable):

Date:

Declaration

I, the undersigned, hereby declare that:

1. I have read and understood the Marine Accident Investigation Unit's conflicts of interest policy.
2. To the best of my knowledge, I do not have any personal, financial, or other interests that could improperly influence, or appear to influence, the performance of my duties under this contract.
3. If any actual, potential, or perceived conflict of interest arises during the course of this engagement, I will immediately disclose it in writing to the Chief Investigator of the Marine Accident Investigation Unit.
4. I will provide, on request, any further information reasonably required by the Chief Investigator for the purposes of section 13(3) of the Merchant Shipping (Investigation of Marine Accidents) Act 2025 and the MAIU conflicts of interest policy.
5. I understand that I must comply with all confidentiality requirements notified to me by the MAIU, including those arising under section 28 of the Merchant Shipping (Investigation of Marine Accidents) Act 2025 (as applicable).

Disclosure of Interests

I have no conflicts of interest to declare.

I have the following actual or potential conflicts of interest to declare:

Acknowledgment

I understand that failure to disclose a conflict of interest may result in termination of the contract and other actions as deemed appropriate by the organization. I understand that, where the Chief Investigator is informed of or has reasonable grounds to suspect a conflict of interest, the Chief Investigator may arrange for termination of this engagement and must notify the designated person of the termination and the reasons for it (section 13(4) of the Merchant Shipping (Investigation of Marine Accidents) Act 2025).

Signature:

Name:

Date:

ANNEX 3: NOTIFICATION OF CONFLICT OF INTEREST

Investigation Title¹:

Name:

Position:

Date:

Disclosure of Interests

I have the following actual conflicts of interest to declare.

I have the following perceived or potential conflicts of interest to declare:

Who to inform

Who to inform of a Conflict of Interest

Conflicted Position	Actual or Potential Conflict of Interest	Perceived Conflict of Interest
Investigator	Designated Person & Chief Investigator	Chief Investigator
Chief Investigator	Designated Person	Designated Person
Officers of the MAIU (other than Investigators)	Chief Investigator	Chief Investigator
Consultants & Advisers	Chief Investigator	Chief Investigator

Declaration

I understand that failure to disclose a conflict of interest may result in disciplinary proceedings. I understand that disclosures may be processed in accordance with the

1. Or similar descriptive title

MAIU conflicts of interest policy and, where applicable, may be notified by the designated person to the unit within the Department of Transport responsible for human resources, which may carry out an enquiry as to whether there has been a breach of the conflicts of interest policy (section 11(10)(a) of the Merchant Shipping (Investigation of Marine Accidents) Act 2025). I understand that information will be handled subject to applicable confidentiality and data protection requirements.

Signature:

Name:

Date:



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