



ETHICS-rules for civil-engineers For **PROPERTY SURVEYORS**

THEORY - PRAXIS

Austria as an example

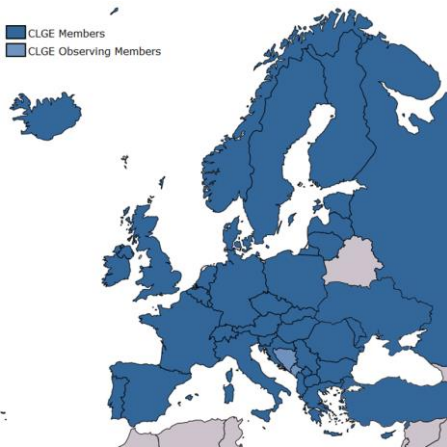
This is the last lecture according to the todays lecture program and I will try to be as brief as possible.

I would like to tell you about the situation in Austria. As you can see, I am no longer the youngest and can look back on a career of 47 years after my graduation.

In surveying, a distinction must be made between 2 groups. This is the cadastral survey and the other (technical) survey. The ethics questions occur mainly in cadastral surveying.

That's why the lecture should focus on this part.

AUSTRIA IS CLGE-MEMBER



AUSTRIA:

1820: Start of the property surveying in Austria

1860: Beginn of Civil-Engineers and Surveyors

1962: Founding of CLGE

1993: Austria member of CLGE

1968: Surveying Act of the Border Cadastre

2000: All properties are digital

CLGE-Conference Istanbul 2019-09-26

Dietrich Kollenprat, Austria

Austria is a country with a long cadastre (land register) experience. In the 18th century we had the Theresianic-cadastre and the Josephinic-cadaste and in the year 1819 the baselines (scale) were measured and from 1820 the property-boundaries in the countries of the former Danube monarchy (Franziscen-cadaste) were measured. In 1860, the type of civil engineering was established, so also the civil-surveyors – the geometers.

Austria did not become a member of CLGE until 1993, when joining the EU. In 1968 we got the border-cadastre. Each border is to be negotiated and recognized by the owners concerned. The surveyor has a function like a judge or like a mediator. The setting of limits can follow in the centimeter range, but can also be in the meter range. This depends on the former quality of the cadastral map and on existing certificates.

Today the cadastre and the land register are digital all over Austria. This means that it is not necessary to go to the land surveying authority (BEV) or land registry (Grundbuch). The inquiries are made by internet from the own office all over Austria.

COMPARABLE PROFESSIONS WITH ETHICAL STANDARDS

Medical doctors:



Judges:



Scientists:



Characteristics:

- Responsibility
- Objectivity
- Trust, Confidence
- Independence
- Quality

CLGE-Conference Istanbul 2019-09-26

Dietrich Kollenprat, Austria

What does the cadastral surveyor need? – Confidence. Trust!! – This are the most important attributes of the cadastral surveyor, because we handle with properties.

With what profession do we want to compare ourselves? - Which profession already has such ethic rules?

Examples with Doctors, judges, scientists. – They all have in the society responsibility, objectivity, trust, confidence, independence; we can describe it with highest quality.

WHICH PROFESSION IS MISSING

Characteristics:

- Responsibility
- Objectivity
- Trust, **Confidence**
- Independence
- Quality

Cadastral surveyors (-):



CLGE-Conference Istanbul 2019-09-26

Cadastral surveyors (+):



Dietrich Kollenprat, Austria

Services:

- Border negotiation (like judges)
- Balance finding (like mediators)
- Create certificates (authority activity)

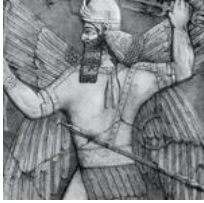
The same criteria apply to the cadastral surveyor. We also have and we need responsibility (Verantwortung), objectivity, trust, confidence, independence. Because the mean surveyors work is not the act of measuring (total station, laser, drones, ...), but the act of border negotiation (like judges), the balance-finding between several owners, when one has the graphic cadastre (like mediators). At last we create a certificate of this negotiation.

We fix the property boundaries permanently (for ever). This serves not only now, but also for the future and for new owners.

This requires ethical principles. - Ethical principles are not new, they are well known all over centuries.

In the following: A short overview to explain that ethics began earlier than 4000 years ago and was reflected in the rules of the profession.

THE BEGINNING OF ETHICS-RULES (1)



Code Nammu

○ 2.100 BC

The Code of Ur-Nammu is the oldest known law code surviving today. It is from Mesopotamia and is written on tablets, in the Sumerian language



Code Hammurabi

○ 1.760 BC

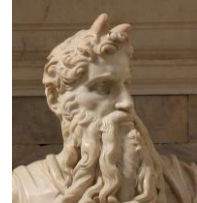
The Code of Hammurabi is a well-preserved Babylonian code of law of ancient Mesopotamia



Solomon

○ 950 BC

Solomon ruled the United Kingdom of Israel and Judah in the 900s BCE. He was the son of King David and is credited with authorship of Solomons judgement.

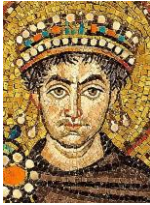


Moses

○ 800 BC

Moses was a prophet according to the teachings of the Abrahamic religions. Scholarly consensus sees Moses as a legendary figure.

THE BEGINNING OF ETHICS-RULES (2)



Corpus Juris Civilis

○ 530 AC

The Corpus Juris (or Iuris) Civilis ("Body of Civil Law") is the modern name[1] for a collection of fundamental works in jurisprudence, issued from 529 to 534 by order of Justinian I, Eastern Roman Emperor.



Magna Carta

○ 1.215 AC

Code Civil

1.807 AC

Magna Carta Libertatum (Medieval Latin for "the Great Charter of the Liberties"), commonly called Magna Carta is a charter of rights agreed to by King John of England at Runnymede, on 15 June 1215



ABGB

○ 1.812 AC

The Allgemeines bürgerliches Gesetzbuch (ABGB) is the Civil Code of Austria, which was enacted in 1811 after about 40 years of preparatory works (comparable to the Napoleonic code).



Standesregeln ZT

○ 1950 AC

The code of the Austrian Architects and Civil-Engineers is the basis for the collaboration between surveyors and their behavior towards colleagues, employees and customers.

CLGE-Conference Istanbul 2019-09-26

Dietrich Kollenprat, Austria

ETHICS **THE MOST IMPORTANT ASPECTS**

- 1. ETHICS-RULES**
- 2. CONTROL AND REPORT**
- 3. DISCIPLINARY PROCEEDINGS**
- 4. CONSEQUENCES AND PENALTIES**

CLGE-Conference Istanbul 2019-09-26

Dietrich Kollenprat, Austria

What are the most important aspects for ethic rules.

- + We need ethic rules.
- + We need control and report, if necessary.
- + We need a disciplinary proceeding.
- + And we need consequences and penalties, if necessary.

The background of the slide is a light gray gradient with a pattern of faint, semi-transparent chemical structures, including various rings and molecular frameworks, scattered across the space.

ETHIK - RULES

CLGE-Conference Istanbul 2019-09-26

Dietrich Kollenprat, Austria

8

Lili

ETHICS-RULES

[1.1]

1. Behavior towards the client

- **Interests of the client**
- **Comply with laws and regulations**
- **Attention to the state of the art**
- **Avoidance of conflicts of interest**
- **Disclosure agreement, secrecy for himself and for employees**

2. Behavior towards colleagues

- **Principles of collegiality**
- **No unobjective or disparaging criticism**
- **No solicitation for existing orders**

CLGE-Conference Istanbul 2019-09-26

Dietrich Kollenprat, Austria

9

1. Behavior towards the client:

We must comply with ethics rules towards the client. These are the interests of the client, the compliance with the laws, the consideration of the given technical possibilities, the avoidance of conflicts of interest, agreements and secrecy to be excluded for himself and all employees.

2. Behavior towards colleagues:

These are the principles of collegiality, not unobjective and degrading criticisms, and no solicitation for existing orders.

ETHICS-RULES

[1.2]

3. Behavior towards the chambers

- Support of the own chamber
- Fulfillment of financial obligations

4. Behavior to the authority candidate

- Enable the prescribed practice
- No favoring of a fake practice
- Report as a candidate for the profession to the chamber

5. Job training - DPKB

- Dynamic Professional Knowledge Base, Education programmes
- National legal framework
- Fields of activity

CLGE-Conference Istanbul 2019-09-26

Dietrich Kollenprat, Austria

10

3. Behavior towards the chamber
4. Behavior to the authority candidate
5. We need job-training. Take part at education programs, knowledge of national laws and knowledge of the fields of activity.

ETHICS-RULES

[1.3]

6. Societies

- Societies between civil surveyors and other civil engineers are allowed
- ABGB-companies are permitted under certain conditions
- Non-professional persons must be together under 50% participation
- Non-professional persons are not authorized to make representations
- Companies with traders are not allowed

7. Advertising

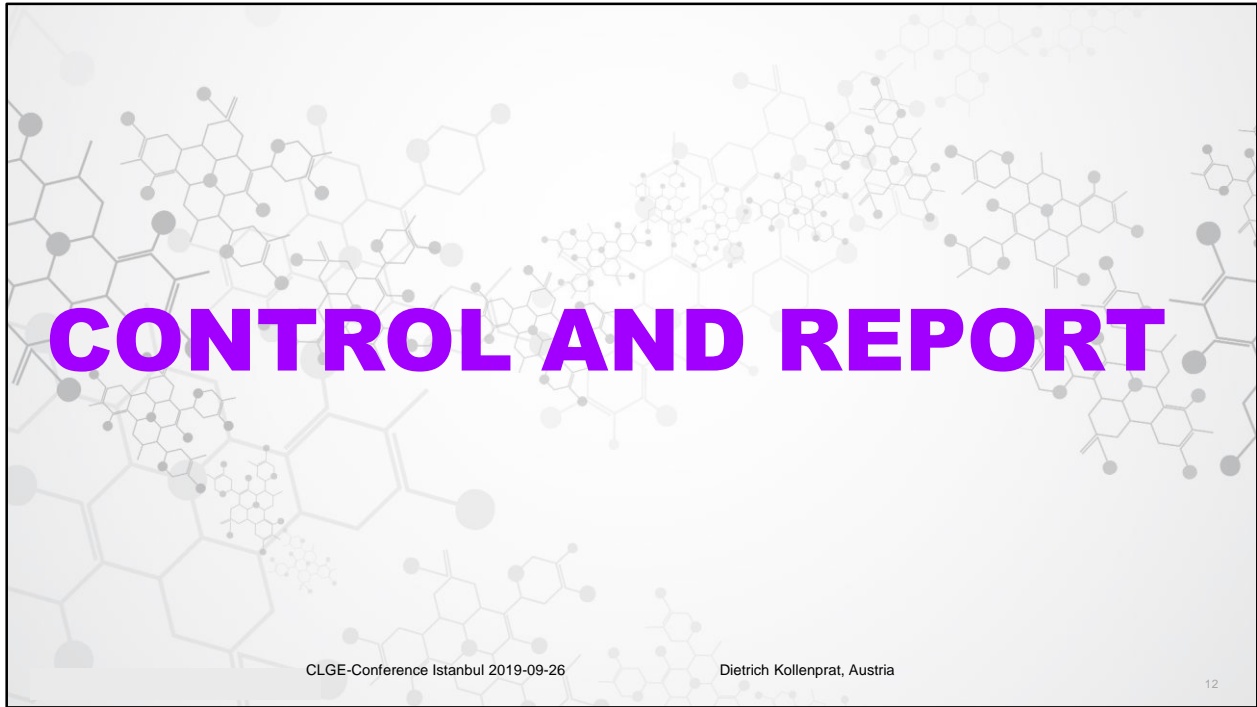
- Advertisings may not contain deceptions, local exclusivity, or demotion

CLGE-Conference Istanbul 2019-09-26

Dietrich Kollenprat, Austria

11

6. Rules for societies
7. Advertising are allowed.



Lili

CONTROL AND REPORT

[2]

- Application of the **internal jurisdiction**:
- Every civil-engineer is part of the common chamber.
- Every civil-geometer must observe the rules of the surveyor-law for himself and for other colleagues.
- In cases of violations, these should be reported to the chamber or to the designated officials.
- The Chamber of Engineers then initiates a preliminary investigation.

If one detects misconduct with other colleagues, one is obliged to report this to the chamber.



Lili

DISCIPLINARY PROCEEDINGS

[3]

- **Disciplinary offense – misconduct (punishment)**
 - Reprimand, rebuke
 - Fines
 - Withdrawal of suffrage
 - Withdrawal of authority (limited time)
 - Loss of authority
- Determine a judge advocate and defense
- Investigation
- Discontinuation
- Trial
- Protocol and finding
- Compensation and costs of the process

CLGE-Conference Istanbul 2019-09-26

Dietrich Kollenprat, Austria

15

The following procedures are intended for disciplinary offenses.

Disciplinary offense – misconduct (punishment), Reprimand (Verweis), rebuke (Tadel), Fine (Geldstrafe), Withdrawal (Verlust) of suffrage, Withdrawal of authority (limited), Loss of authority

The background of the slide is a light gray gradient with a pattern of faint, semi-transparent chemical structures, including various rings and chains of atoms, scattered across the space.

CONSEQUENCES PENALTIES

CLGE-Conference Istanbul 2019-09-26

Dietrich Kollenprat, Austria

16

Lili

CONSEQUENCES, PENALTIES

[4.1]

- **Punishments are regulated by law (ZTG § 95)**
- **Disciplinary offense – misconduct (punishment)**
 1. **Reprimand, rebuke; which contains an instruction**
 2. **Fine; up to € 18.000,- and in combination with pt. 1**
 3. **Withdrawal of suffrage; up to 5 years, active and/or passive**
 4. **Withdrawal of authority (limited with 3 years); in repeat cases up to 5 years**
 5. **Loss of authority**

The following punishments are regulated by Austrian law.

Next: In Austria there are 4 independent state chambers. There is an overview of the last 20 years.

In the last 20 years we had approximately 150 cases. 40 percent were investigated more closely and 13 percent ended with convictions.

CONSEQUENCES, PENALTIES

[4.2]

National chamber	Notification	Written reference and procedural costs	Fine and procedural costs
W-N-B (from 2010; d.s. 10 years)	33 notifications 26 no proceeding 7 proceeding	5 cases	2 cases with € 1.000
T-Vbg (from 1999; d.s. 20 years)	11 notifications 2 no proceeding 9 proceeding 7 convictions	3 x reprimand 1 x reprimand and procedural costs of € 600	1 x € 1.000 + procedural costs € 600,- 1 x € 15.000,- + procedural costs € 6.000,- 1 Loss of authority + procedural costs € 6.134,-
Stk-Ktn (from 2000; d.s. 20 years)	47 notifications 25 no proceeding 12 proceeding 10 other completion (death etc.)	7 x reprimand 1 x cessation	4 x fine + procedural costs € 600,-
Oö-Sbg (from 1999; d.s. 20 years)	53 notifications 22 no proceeding 31 proceeding	10 convictions	10 x fine; between € 1.000 u. 10.000; + procedural costs between € 800 u. 1.500,-

CLGE-Conference Istanbul 2019-09-26

Dietrich Kollenprat, Austria

18

Notification (Meldungen), conviction (Verurteilung)

CONSEQUENCES, PENALTIES

[4.3]

- **Statistic:**
 - According to the table 4.2, there were 144 ads
 - 59 cases were initiated; this are 41%
 - 19 proceedings ended with a penalty; this are 13%
- **What can we notice:**
 - the colleagues are very attentive
 - the internal jurisdiction works

The background of the slide features a complex, light gray molecular structure composed of interconnected rings and lines, resembling a chemical network or a map of molecular relationships. The structure is dense and fills most of the slide area.

RESULT RECOMMENDATION

CLGE-Conference Istanbul 2019-09-26

Dietrich Kollenprat, Austria

20

Lili

RESULTS – RECOMMENDATION

[5.1]

- **Life-long learning – also included ethics**
- **Code of professional education and qualification**
- **Common rules for property surveyors**

- **In a digital world we have**
- **digital cadastral data (+ orthofotos, digital terrain model ...)**
- **digital land register**
- **digital archive for all surveying documents**
- **digital applications to authorities**

- **But also common rules for engineering-surveyors**

21

Results and recommendation are:

- Life-long learning, also ethics at the university, but also at the chambers
- Compliance of the code of education and qualification (chamber)
- Common rules for property surveyors

We in Austria have a digital cadastral map, a digital land register, digital archives for the surveying documents and digital applications to authorities. The rules which are postulated for property surveyors are more or less also guilty for the engineering-surveyors !

RESULTS – RECOMMENDATION

[5.2]

- **The goal:**
 - Strengthening the trust of society in geodetic-profession
 - Geodesists have to be comparable to notaries
- **Necessary (first):**
 - Every state has/needs a law of surveying (survey-act)
 - Every state has/needs also codes of conduct (ethics-rules)
- **Further consequences:**
 - Harmonizing the rules of profession between the states (CLGE)

Thank you for your attention

CLGE-Conference Istanbul 2019-09-26

Dietrich Kollenprat, Austria

22

Strengthening the trust of society in geodetic-profession and Geodesists have to be comparable to notaries.

A profession that is usually carried out by local surveyors; it depends on the language.