

Exclusive Use versus On-Title Car Parks

專用使用車位與登記於產權之上的車位

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CHAPTER 6 第6章

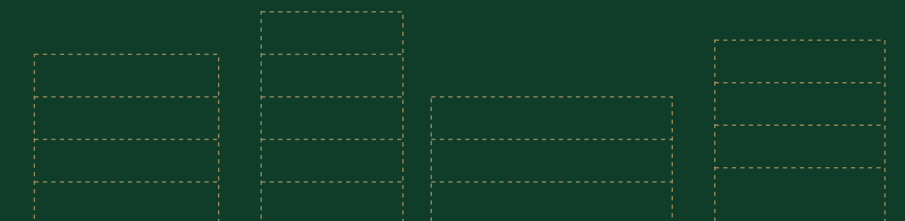
06

Buying: what to check, and in what order

買受：查核事項及其順序

3 sections · pages 23–25 of the complete guide

3節 · 全書第23至25頁



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STANDALONE CHAPTER EDITION

獨立章節版 · 可與全書其他章節合併閱讀

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This chapter is extracted from the complete guide and is bound with the note to the reader, the author profile, the glossary of terms used in the guide and the partner's closing test so that it can be read alone. Page and figure numbers follow the complete guide.

A note to the reader

致讀者

This guide explains how car parking is held in a Queensland community titles scheme, and what turns on the difference. It is written for two readers at once: the owner or buyer who wants to know what they are getting, and the developer or adviser who has to choose a structure before the plan is registered. Chapters 1 to 7 are written for the first reader; chapters 8 and 9 are written for the second. Both should read chapter 5.

The English text and the Traditional Chinese text are set paragraph against paragraph and are intended to say the same thing. Where a translation and the English text differ, the English text prevails.

The law stated is the law of Queensland as at 10 September 2026. Statutory references are to the Body Corporate and Community Management Act 1997 (Qld) unless another Act is named. This guide is general information. It is not legal advice on any particular scheme, lot or transaction, and no car parking question should be resolved without reading the scheme's own documents.

本指南說明昆士蘭社區產權計劃中車位的持有方式，以及不同持有方式所產生的法律後果。本指南同時面向兩類讀者：希望確認自己究竟取得何種權利的業主或買方，以及必須在測量圖登記之前選定架構的開發商或其顧問。第一章至第七章為前者而寫；第八章及第九章為後者而寫。第五章兩類讀者均應閱讀。

英文本與繁體中文本逐段對照排版，兩者用意相同。若譯文與英文本有出入，以英文本為準。

本指南所述法律為截至2026年9月10日的昆士蘭法律。除另有指明外，法條援引均指《1997年業主法人團體及社區管理法》（昆士蘭）。本指南僅為一般性資訊，並非針對任何特定計劃、單元或交易的法律意見；任何車位問題，均須先閱讀該計劃本身的文件，方可作出判斷。

About the author

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Kevin Pai practises in property and commercial law in Brisbane, in a practice built around community titles schemes, development structuring, loans and secured transactions. He advises developers, bodies corporate, owners and lenders, and acts on Queensland schemes from two-lot duplexes to staged mixed use towers.

He writes this series in English and Traditional Chinese because a significant part of the Queensland strata market reads both, and because the questions that cause the most expensive mistakes are usually the ones nobody thought worth asking.

白宗翰於布里斯本執業，專攻不動產法與商務法，業務核心涵蓋社區產權計劃、開發架構、貸款及擔保交易。其為開發商、業主法人團體、業主及貸款人提供法律意見，承辦案件遍及昆士蘭各類計劃，自兩單元雙拼住宅至分期開發的混合用途大樓。

其以英文及繁體中文撰寫本系列，蓋昆士蘭區分所有權市場中有相當比例的參與者兼讀兩種語言；且釀成最昂貴錯誤者，往往正是無人認為值得一問的問題。



06

Buying: what to check, and in what order

買受：查核事項及其順序

- 6.1 The verification chain
查證鏈
- 6.2 Disclosure since 1 August 2025
2025年8月1日以後的披露義務
- 6.3 When the documents do not support the space
文件不足以支持該車位時

6.1

The verification chain

A car space is verified by making five documents agree with each other. Any one of them on its own proves nothing, and the agent's floor plan proves less than nothing.

查證鏈

車位的查證，在於使五份文件彼此一致。任一文件單獨存在均不足以證明任何事項，而仲介所提供的樓層平面圖，其證明力更在其下。



No single document proves the car space. The five have to agree with each other.

沒有任何單一文件足以證明車位權屬；五者必須彼此一致。

Figure 5 — The verification chain, and what each document can and cannot prove.

圖五——查證鏈，及各份文件所能與所不能證明者。

WORK THROUGH THEM IN THIS ORDER 依下列順序逐項進行

- | | | |
|----|--|--|
| 01 | Read the contract. Identify every lot being sold. If the car space is a separate lot, it must be named. If the contract says the buyer gets "car space 14" without saying how, that is the question, not the answer. | 閱讀契約。確認所出售的每一單元。車位若為獨立單元，必須逐一載明。契約若僅稱買方取得「第14號車位」而未說明其依據，則此係問題所在，而非答案。 |
| 02 | Search the title for each lot named. Confirm the lot on plan description, the registered owner, and every encumbrance. | 就所載明的每一單元進行產權查詢，確認單元與測量圖的描述、登記所有權人及一切負擔。 |
| 03 | Obtain the registered survey plan. Find the lot. See whether it is defined in parts and whether one of those parts is the car space. | 取得已登記的測量圖，找出該單元，查明其是否由數部分構成，以及其中一部分是否即為該車位。 |
| 04 | Obtain the current community management statement. Read Schedule E and the exclusive use plan attached to it. Find the lot number and the space number together in one place. | 取得現行社區管理聲明，閱讀附表E及其所附專用使用圖，於同一處同時找到該單元編號與該車位編號。 |
| 05 | Read the body corporate certificate and the seller disclosure statement, and check that what they say about exclusive use areas matches what the statement says. | 閱讀業主法人團體證明書及賣方披露聲明，核對其就專用使用區域的記載是否與社區管理聲明相符。 |
| 06 | Only then walk the basement. The purpose of the inspection is to confirm what the documents already told you, not to discover it. | 至此方前往地下停車場現場查看。現場查看的目的，在於確認文件所已告知者，而非藉此發現事實。 |

6.2

Disclosure since 1 August 2025

The seller disclosure regime under the Property Law Act 2023 (Qld) commenced on 1 August 2025. A seller of a lot in a community titles scheme must give the buyer a disclosure statement together with the prescribed certificates before the buyer signs. For schemes under the BCCM Act the prescribed certificate is a body corporate certificate; for schemes under the Building Units and Group Titles Act it is the equivalent certificate under that Act.

For a car parking question the certificate matters because it must state the scheme's by-laws and the exclusive use areas. A certificate that discloses no exclusive use area for the lot, where the seller has said the space comes with it, is not a discrepancy to be smoothed over. It is the answer.

DO NOT TREAT THE FEE AS THE CONSTRAINT 勿以規費為考量重點

The prescribed fee for a body corporate certificate is modest and is adjusted from time to time. Whatever it is, it is the cheapest thing in the transaction. Order it early enough that the answer can still change the contract.

2025年8月1日以後的披露義務

《2023年財產法》（昆士蘭）所定的賣方披露制度自2025年8月1日起施行。社區產權計劃內單元的賣方，須於買方簽約前，將披露聲明連同法定證明書交付買方。適用《業主人團體及社區管理法》的計劃，其法定證明書為業主人團體證明書；適用《建築單元及集體產權法》的計劃，則為該法下的對應證明書。

就車位問題而言，該證明書之所以重要，在於其必須載明該計劃的管理規約及專用使用區域。賣方既稱該車位隨單元一併移轉，證明書卻未就該單元載明任何專用使用區域者，此並非可以含糊帶過的出入，而正是答案本身。

業主人團體證明書的法定規費金額不高，且不時調整。無論金額若干，其均為整筆交易中最低廉的支出。宜及早申請，俾使所得結果仍有可能影響契約內容。

6.3

When the documents do not support the space

This happens more often than buyers expect, and there are only three honest responses. Have the seller procure the necessary by-law and new statement before settlement, which requires a resolution without dissent and is rarely achievable within a contract period. Adjust the price to reflect a lot without secure parking. Or do not proceed.

The response that is not available is to settle and sort it out later. After settlement the buyer owns a lot without parking and has lost every point of leverage they had.

文件不足以支持該車位時

此種情形較買方所預期者更為常見，而誠實的因應方式僅有三種：要求賣方於交割前促成必要的管理規約及新聲明——此須無異議決議，於契約期間內鮮能達成；調降價金以反映該單元並無穩固車位的事實；或不予進行。

唯一不可行的因應方式，是先行交割、日後再作處理。交割之後，買方所擁有者為一個沒有車位的單元，且已喪失原本握有的一切籌碼。



10

Terms used in this guide

本指南所用名詞

10.1 Glossary
名詞對照

10.1

Glossary

名詞對照

ENGLISH AND TRADITIONAL CHINESE 英文與繁體中文對照

TERM 名詞	WHAT IT MEANS HERE 本指南中的意義
Body corporate 業主法人團體	The entity created on registration of the scheme, comprising all lot owners. 計劃登記時所成立之法人，由全體單元業主組成。
Common property 共用部分	Scheme land that is not part of any lot. Owned by the owners collectively. 不屬於任何單元之計劃土地，由全體業主共同所有。
Community management statement 社區管理聲明	The recorded document containing lot entitlements, by-laws and exclusive use allocations. 載有分攤權益、管理規約及專用使用配置之登錄文件。
Exclusive use by-law 專用使用管理規約	A by-law attaching to a lot a right of exclusive use over common property. 將共用部分之專用使用權附加於某一單元之管理規約。
Lot entitlement 分攤權益	The figures fixing a lot's share of levies (contribution) and of the scheme (interest). 確定某一單元管理費分攤（出資）及計劃權益（權益）比例之數值。
Resolution without dissent 無異議決議	A resolution on which no vote is cast against. 無任何反對票之決議。
Special resolution 特別決議	A resolution passed by the majority the regulation module prescribes, with no more than the permitted number of votes against. 依施行細則所定多數通過，且反對票不超過所允許數目之決議。
Building format plan 建築格式測量圖	A survey plan whose boundaries are the structural elements of a building. 以建築物結構構件為界線之測量圖。
Original owner 原始業主	The developer, in its capacity as the owner of the scheme land at registration. 開發商，以其於登記時計劃土地所有權人之身分而言。
Utility infrastructure 公用設施基礎設施	Cables, pipes, plant and similar equipment supplying a utility service to the scheme. 為計劃提供公用服務之電纜、管線、設備及類似設施。

Partner's closing test

合夥人最終測試

Six questions. If any of them cannot be answered from documents, the car park is not settled, whatever anybody has been told.

六個問題。其中任何一題若無法自文件中得到答案，則該車位之權屬即未確定，無論何人曾作何種說明。

1	Which of the four holdings is it, and which document says so?	屬於四種持有方式中的哪一種？何份文件如此記載？
2	If it is a separate lot, is that lot in the contract and in the transfer?	若為獨立單元，該單元是否已載於契約及移轉文件之中？
3	If it is exclusive use, do Schedule E and the exclusive use plan agree with each other?	若屬專用使用，附表E與專用使用圖二者是否一致？
4	Who maintains it, and does the by-law try to impose anything that cannot lawfully be imposed?	由何人維護？該管理規約是否試圖課予依法不得課予的義務？
5	What does the development approval require, and does the allocation respect it?	開發許可有何要求？該配置是否與之相符？
6	If the owner needed to move or swap this space, what exactly would it take?	業主若需移動或互換該車位，究竟須經何種程序？

This guide is general information about Queensland law as at 10 September 2026. It is not legal advice and cannot be relied on as advice about any particular scheme, lot or transaction. Schemes differ, and the answer for any given car space is found in that scheme's own survey plan, community management statement and by-laws.

本指南為截至2026年9月10日昆士蘭法律之一般性資訊，並非法律意見，亦不得作為就任何特定計劃、單元或交易之意見而予以信賴。各計劃情況互異；任何特定車位的答案，均應於該計劃自身的測量圖、社區管理聲明及管理規約中尋得。