PRACTICAL LAW · ILLUSTRATED BILINGUAL GUIDE · CHAPTER EDITION

Queensland Strata Property Guide
昆士蘭分層產權物業指南

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ENGLISH & TRADITIONAL CHINESE

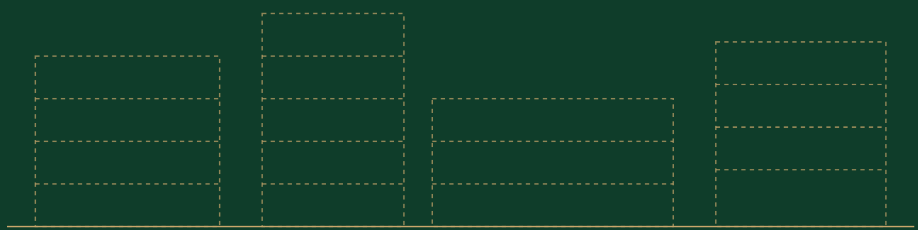
CHAPTER 10　第10章

10

After Settlement: Owner’s Action Guide

交割後業主行動指南

8 sections · pages 100–106 of the complete guide
8節 · 全書第100至106頁



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STANDALONE CHAPTER EDITION
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This chapter is extracted from the complete guide and is bound with the guide’s reader note, core terminology, author profile and important notice so that it can be read alone. Page and figure numbers follow the complete guide.

Reader note

讀者須知

IMPORTANT 重要提示

This guide is general educational information, not legal, financial, tax, building or investment advice. Property and body corporate outcomes turn on the contract, title, survey plan, community management statement, applicable regulation module and current law. Obtain independent Queensland legal advice before signing, waiving a condition, settling, or buying management rights.

本指南僅提供一般教育資訊，並非法律、財務、稅務、建築或投資意見。物業及業主法人團體的法律結果，取決於契約、產權、測量圖則、社區管理聲明、適用的規管模組及現行法例。簽署契約、放棄條件、辦理交割或購買管理權前，應取得獨立的昆士蘭法律意見。

The guide uses “strata” as a convenient Australian umbrella expression. Queensland legislation generally uses “community titles scheme” and “body corporate”; New South Wales uses “strata scheme” and “owners corporation”. State and territory statutes are not interchangeable.

本指南以「分層產權」作為澳洲制度的概括用語。昆士蘭法例一般使用「社區產權項目」及「業主法人團體」；新南威爾斯州則使用「分層產權項目」及「業主立案法團」。各州及領地的法例不可互換適用。

Traditional Chinese terms follow the supplied Australian Strata Titles Glossary. They are practical explanations rather than official translations. Where a translation differs from the English text, the English text governs.

繁體中文用語依照所提供的《澳洲分層產權術語表》。中文屬實務解釋，並非官方譯文。如譯文與英文有異，概以英文為準。

Editorial method

編寫方法

The English narrative uses a proposition–operation–consequence method. Each subject first identifies the legal structure, then explains how it operates and finally states the practical result for an owner, buyer, body corporate, manager or adviser. The wording and analysis in this guide remain original.

英文正文採用「法律命題—運作方式—實務結果」的編寫方法。每一主題先確定法律架構，再說明其運作方式，最後指出對業主、買方、業主法人團體、管理人或顧問的實際影響。本指南的文字及分析均為原創。

- Define the statutory object before discussing its commercial effect.
- Keep title, governance, management and contractual rights analytically separate.
- Use legislative history and worked examples to explain why the present rule exists.

- 先界定法定對象，再討論其商業效果。
- 分開分析產權、治理、管理及契約權利。
- 以立法沿革及實例說明現行規則的由來。

- State the jurisdictional qualification and practical consequence, rather than relying on labels.
- 明確指出司法管轄區限制及實務後果，而不依賴名稱標籤。

Core terminology

核心術語

CORE TERMS 核心術語	CORE TERMS 核心術語
Strata title 分層產權 Separate ownership of a lot plus shared interests and obligations. 單元之獨立所有權，並附帶共有權益與共同義務。	**Community titles scheme** 社區產權項目 Queensland’s main statutory scheme structure. 昆士蘭主要的法定社區產權項目架構。
Body corporate 業主法人團體 The statutory collective body comprising all lot owners. 由所有單元業主組成的法定集體組織。	**Lot** 單元／地塊 The separately owned property shown on the registered plan. 註冊圖則所示並由個別業主持有的獨立產權部分。
Common property 公共財產／共有財產 Shared land and infrastructure outside individual lots, subject to the plan. 位於個別單元範圍以外、依圖則界定的共用土地及基礎設施。	**Community Management Statement (CMS)** 社區管理聲明 Recorded document containing scheme identification, entitlements, by-laws and module. 載有項目識別資料、權益表、管理規約及適用規管模組的註冊文件。
Volumetric subdivision 空間體積式分割 Three-dimensional division of land into separately titled spatial lots. 將土地以三維空間方式分割為可獨立登記的空間地塊。	**Building Management Statement (BMS)** 建築管理聲明 Registered reciprocal rights and obligations coordinating shared building interfaces. 以註冊互惠權利及義務協調共用建築介面的文件。
By-laws 管理規約 Scheme rules regulating use and enjoyment of lots and common property. 規管單元及共有財產使用與享用的項目規則。	**Levy** 管理費 An owner’s contribution to body corporate expenditure. 業主為支付業主法人團體開支而繳付的管理費。
Sinking fund 儲備基金／維修基金 Fund for forecast capital expenditure and major replacement work. 用於預計資本開支及主要更換工程的基金。	**Management rights** 管理權 A combined caretaking and authorised letting business connected with a scheme. 與項目相關的管理維護服務及獲授權出租業務的組合。
Committee 委員會 Elected body that administers the scheme between general meetings; its authorised decision is a decision of the body corporate. 由業主選出、在兩次業主大會之間管理項目的機關；其獲授權的決定即屬業主法人團體的決定。	**General meeting** 全體業主大會 Meeting of all owners at which reserved and restricted issues are decided by the prescribed resolution. 全體業主參與的會議，保留及受限制事項須在此以規定決議決定。

ABOUT THE AUTHOR · 關於作者

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Kevin Pai is a Partner of Bugden Allen Group Legal. His work focuses on strata and community title development, complex and mixed-use titling, project restructuring, body corporate governance and management rights. He has particular experience with Queensland's historical and site-specific regimes and advises developers, bodies corporate, managers, investors and overseas participants on transactions, governance and disputes.

白宗翰是Bugden Allen Group Legal合夥人。他專注於分層及社區產權發展、複雜及混合用途產權架構、問題項目重組、業主法人團體治理及管理權，並對昆士蘭歷史及特定地點制度具有專門經驗。他為開發商、業主法人團體、管理人、投資者及海外參與者就交易、治理及爭議提供意見。

Kevin is an honours law graduate of the University of Queensland, a member of the Australian College of Strata Lawyers, the Urban Development Institute of Australia (Queensland) and Strata Community Association (Queensland). His practice connects development structuring with the long-term operational consequences of the title, governance and management documents.

白宗翰以榮譽成績畢業於昆士蘭大學法律系，並為澳洲分層產權律師學院、澳洲城市發展學會（昆士蘭）及昆士蘭分層社區協會成員。他的執業把發展架構與產權、治理及管理文件的長期運作後果結合分析。

PRACTICE	FIRM	MEMBERSHIPS
Strata & community title development 分層及社區產權發展	Bugden Allen Group Legal 合夥人	ACSL · UDIA (Qld) · SCA (Qld) 專業學會成員

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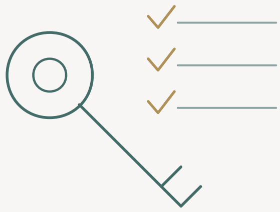


10

After Settlement: Owner's Action Guide

交割後業主行動指南

Settlement completes the conveyance, but it commences the practical administration of ownership. The new owner must secure possession, preserve the transaction record, activate the correct insurance, establish payment and service arrangements and enter the body corporate's records. Early action creates the evidentiary and maintenance baseline against which later defects, costs and responsibilities can be assessed.

交割完成產權轉讓，但同時開始所有權的實際行政管理。新業主必須取得並保障管有、保存交易紀錄、啟動正確保險、建立付款及服務安排，並登記於業主法人團體紀錄。及早行動可建立證據及維修基準，以便日後評估缺陷、成本及責任。

10.1

First 48 hours

首48小時

- Confirm settlement completion and retain the settlement statement, contract, transfer records and tax invoices.
- Collect and test all keys, remotes, access cards, alarms and building systems; change security codes where appropriate.
- Photograph meter readings and the condition of the property.
- Activate insurance from the correct risk date; arrange contents, landlord, public liability and loss-of-rent cover as applicable.
- Connect electricity, gas, internet and other services; check whether any service is an embedded network.

- 確認交割完成，保存交割結算表、契約、轉讓紀錄及稅務發票。
- 收取並測試所有鑰匙、遙控器、門禁卡、警報及大廈系統；按需要更改保安密碼。
- 拍攝水電錶讀數及物業狀況。
- 自正確風險轉移日期起啟動保險；按情況安排家居財物、業主、公眾責任及租金損失保障。
- 接駁電力、燃氣、網絡及其他服務；查明是否有內嵌網絡。

10.2

First two weeks

首兩星期

- Check that council, water and body corporate ownership records are updated; give the body corporate your address for service and contact details.
- Set up levy notices and direct payment arrangements, but independently verify bank-detail changes to avoid payment-redirection fraud.
- Obtain the current CMS, by-laws, insurance certificate, recent minutes, budgets and contact details for the committee or manager.
- Notify any managing agent and, for a tenancy of six months or more, ensure required occupier details reach the body corporate roll.

- 確認市政府、水務及業主法人團體的業主紀錄已更新；向業主法人團體提供送達地址及聯絡資料。
- 設定管理費通知及直接付款安排；如銀行資料更改，應獨立核實以防付款轉移詐騙。
- 取得現行CMS、管理規約、保險證明、近期會議紀錄、預算及委員會或管理人的聯絡資料。
- 通知物業管理代理；如租期六個月或以上，確保按規定把住戶資料登記於業主法人團體名冊。

- Calendar rates, water, levy, insurance, smoke-alarm, pool-safety and tax deadlines.

- 記錄差餉、水費、管理費、保險、煙霧警報器、泳池安全及稅務期限。

10.3

First three months

首三個月

- Complete a maintenance inspection and preserve warranties, manuals and defect correspondence.
- Read the next meeting agenda and decide whether to nominate for the committee or lodge a motion.
- For an investment, document the initial condition, depreciation advice, leasing authority and income/expense records.
- Review estate planning and ownership structure, particularly for joint owners, companies, trusts or overseas owners.

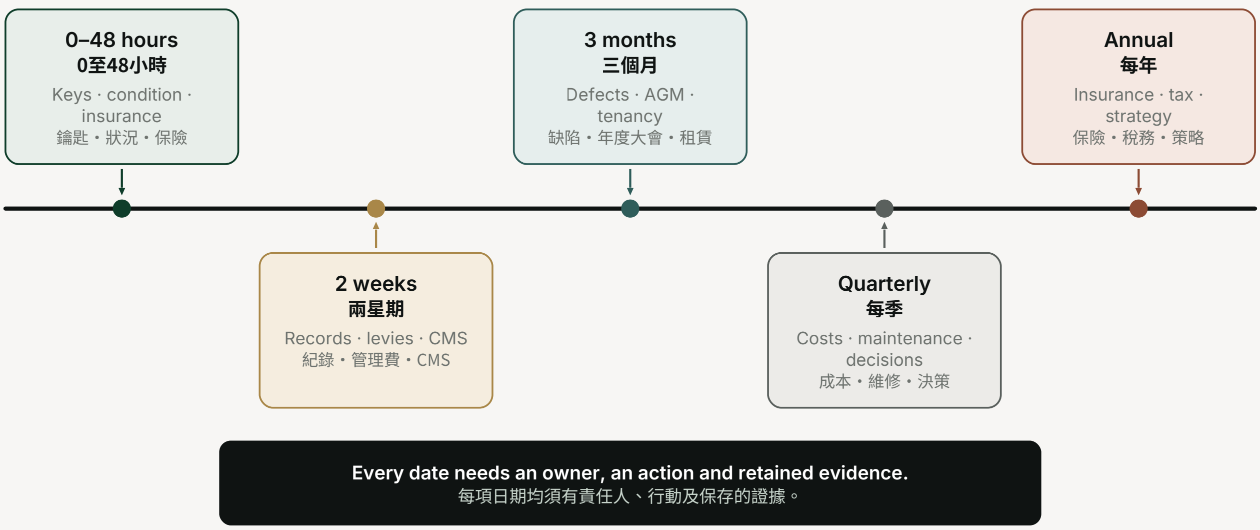
- 完成維修檢查，保存保養、手冊及缺陷往來文件。
- 閱讀下次會議議程，考慮是否參選委員會或提出動議。
- 如屬投資物業，記錄初始狀況、折舊意見、出租授權及收入／支出紀錄。
- 檢討遺產規劃及持有架構，尤其共同業主、公司、信託或海外業主。

BODY CORPORATE OWNERSHIP IS AUTOMATIC 取得單元所有權及自動成為業主法人團體成員

A buyer of a lot cannot opt out of the body corporate. Levies and by-laws continue whether the lot is owner-occupied, vacant or rented.

單元買方不能退出業主法人團體。不論單元自住、空置或出租，管理費及管理規約均持續適用。

FIG 19 **First-year ownership calendar after settlement** ／交割後首年持有日程



10.4

Settlement day and the first 48 hours

交割日及首48小時

Settlement transfers legal ownership and usually triggers adjustments for rates, water, levies and other outgoings. The buyer should retain the signed contract, settlement statement, transfer and duty records, tax invoices, title confirmation and finance documents in one permanent file. Any discrepancy should be raised promptly while evidence is readily available.

交割轉移法律所有權，並通常涉及差餉、水費、管理費及其他支出的調整。買方應把已簽契約、交割結算表、轉讓及印花稅紀錄、稅務發票、產權確認及融資文件集中永久保存。任何差異均應在證據容易取得時立即提出。

At the property, record meter readings and condition, collect and test keys, remotes and access cards, confirm alarms and building systems and change security credentials where appropriate. Insurance should already operate from the contractual risk date. Owners of body corporate lots should understand which building components are insured collectively and arrange contents, landlord and liability cover for the remainder.

在物業現場，應記錄水電錶讀數及狀況，收取並測試鑰匙、遙控器及門禁卡，確認警報及大廈系統，並在適當情況下更改保安資料。保險應自契約風險轉移日期起生效。業主法人團體單元業主須了解哪些建築部分由集體投保，並為其餘部分安排家居財物、出租業主及責任保險。

PRACTICAL CHECKLIST 實務清單

- Archive the complete settlement file.
- Photograph condition and meter readings.
- Test all access and safety systems.
- Confirm insurance commencement and scope.

- 保存完整交割檔案。
- 拍攝物業狀況及水電錶讀數。
- 測試所有門禁及安全系統。
- 確認保險生效及保障範圍。

> **PRACTICAL EFFECT 實務效果**
>
> Do not wait for the first problem to discover that a key, warranty, policy or settlement record is missing.
>
> 不要等到首次出現問題時才發現鑰匙、保養、保單或交割紀錄遺失。

10.5

The first 30 days: systems and records

首30天：系統與紀錄

The new owner should confirm that council, water, utility and body corporate records show the correct ownership and address for service. Levy notices, rates, insurance renewal and loan payments should be calendared. Bank-detail changes must be independently verified because property and body corporate payments are attractive targets for payment-redirection fraud.

新業主應確認市政府、水務、公用服務及業主法人團體紀錄已顯示正確業主及送達地址，並記錄管理費、差餉、保險續期及貸款付款日期。銀行資料更改必須獨立核實，因為物業及業主法人團體付款容易成為付款轉移詐騙目標。

Obtain the current CMS, by-laws, insurance certificate, budgets, recent minutes and manager or committee contacts. Create a property register for warranties, manuals, appliances, smoke alarms, pool safety, pest inspections and maintenance. For a new property, record defects and issue notices within the contractual process rather than relying on calls to the site team.

取得現行CMS、管理規約、保險證明、預算、近期會議紀錄，以及管理人或委員會聯絡資料。建立物業登記冊，保存保養、手冊、電器、煙霧警報器、泳池安全、蟲害檢查及維修資料。新物業缺陷應按契約程序記錄及發出通知，不應只致電工地團隊。

PRACTICAL CHECKLIST 實務清單

- Update all ownership and service addresses.
- Set recurring payment and renewal reminders.
- Build a digital warranty and maintenance register.
- Verify every change of payment instructions.

- 更新所有業主及送達地址。
- 設定定期付款及續期提示。
- 建立數碼保養及維修登記冊。
- 核實每次付款指示更改。

PRACTICAL EFFECT 實務效果

A disciplined first month converts a transaction file into an ownership-management system.

有紀律的首月工作可把交易檔案轉化為物業持有管理系統。

10.6

Participating in the body corporate

參與業主法人團體

Ownership automatically makes the buyer a member of the body corporate. The owner should read meeting notices, understand voting rights, disclose representative details where required and decide whether to nominate for the committee or submit a motion. Participation is the practical mechanism for influencing budgets, maintenance priorities and contracts.

買方取得所有權後自動成為業主法人團體成員。業主應閱讀會議通知、了解投票權、按需要披露代表資料，並考慮參選委員會或提交動議。參與是影響預算、維修優先次序及契約的實際機制。

Owners should communicate through proper channels and preserve written records. The body corporate manager may administer meetings and records but is not the body corporate itself. The committee must act collectively and within its statutory limits. An owner dissatisfied with a decision should identify the resolution, legal power, internal dispute step and available conciliation or adjudication pathway.

業主應透過適當渠道溝通並保存書面紀錄。業主法人管理人可管理會議及紀錄，但並非業主法人團體本身。委員會須集體並在法定權限內行事。業主如不滿決定，應確認相關決議、法律權力、內部爭議步驟及可用調解或裁決途徑。

PRACTICAL CHECKLIST 實務清單

- Read every agenda before the voting deadline.
- Ask for supporting quotes and reports for material work.
- Keep communications factual and issue-focused.

- 在投票期限前閱讀每份議程。
- 重大工程應要求報價及支持報告。
- 溝通應以事實及議題為本。

- Use formal dispute pathways where necessary.
- 在必要時使用正式爭議處理途徑。

PRACTICAL EFFECT 實務效果

Paying levies funds the scheme; informed participation governs how those funds are used.

繳交管理費為項目提供資金；知情參與則決定資金如何使用。

10.7

Investment ownership and the annual cycle

投資持有與年度週期

An investor should appoint a licensed property manager or establish compliant self-management, arrange landlord insurance and document the opening condition. The letting appointment, tenancy agreement, bond, smoke-alarm compliance and body corporate occupier information should be coordinated. The authorised onsite letting agent is an option, not a compulsory provider.

投資者應委任持牌物業管理人或建立合規自行管理制度，安排出租業主保險並記錄初始狀況。出租委任、租賃契約、按金、煙霧警報器合規及業主法人團體住戶資料應互相協調。獲授權駐場出租代理人只是選項，並非強制供應者。

Each year, review rates, water, levies, insurance, loan interest, repairs, depreciation and rental statements with the tax adviser. Attend or vote at the AGM, compare actual spending with budget, examine the sinking-fund forecast and note planned capital works. Estate planning and ownership structure should be revisited after marriage, separation, death, refinancing or a change in tax residence.

每年應與稅務顧問審閱差餉、水費、管理費、保險、貸款利息、維修、折舊及租金報表；出席或參與年度大會投票；把實際支出與預算比較；審閱儲備基金預測及擬議資本工程。婚姻、分居、死亡、再融資或稅務居民身份變更後，亦應重新檢討遺產規劃及持有架構。

PRACTICAL CHECKLIST 實務清單

- Reconcile annual income and expense records.
- Review AGM papers and capital forecasts.
- Renew insurance on current rebuilding and rental assumptions.
- Update estate and ownership planning after life changes.

- 核對年度收入及支出紀錄。
- 審閱年度大會文件及資本預測。
- 按最新重建及租金假設續保。
- 人生情況變動後更新遺產及持有架構規劃。

PRACTICAL EFFECT 實務效果

Post-settlement management protects both the asset and the evidence needed to operate, insure, lease and eventually sell it.

交割後管理同時保護資產，以及日後營運、投保、出租及出售所需證據。

10.8

First-year ownership calendar

首年持有日程

The first year should be managed through a single calendar combining contractual defect dates, statutory warranty issues, levy due dates, rates and water notices, insurance renewal, smoke-alarm or pool-safety obligations, tenancy milestones, loan reviews and the body corporate annual general meeting. The calendar should name the responsible person and require evidence for each event.

首年持有應以單一日程管理，把契約缺陷期限、法定保養事項、管理費到期日、差餉及水費通知、保險續期、煙霧警報器或泳池安全義務、租賃里程碑、貸款檢討及業主法人團體年度大會一併列入。每項事件均應列明責任人及所需證據。

A quarterly review should compare actual ownership costs with the purchase budget, confirm that contact and payment details remain correct, update the maintenance register and check upcoming body corporate decisions. At year end, the owner should archive tax and property records, review insurance values and assess whether emerging capital works, by-law changes or service contracts affect the hold or sale strategy.

每季應把實際持有成本與購買預算比較，確認聯絡及付款資料仍正確，更新維修登記冊，並查閱即將作出的業主法人團體決定。年末時，業主應保存稅務及物業紀錄、檢討保險價值，並評估新出現的資本工程、管理規約更改或服務契約是否影響持有或出售策略。

PRACTICAL CHECKLIST 實務清單

- Enter all known dates immediately after settlement.
- Assign responsibility and required documents.
- Review actual costs every quarter.
- Reset the calendar after each AGM and renewal.

- 交割後立即輸入所有已知日期。
- 分配責任並列明所需文件。
- 每季檢討實際成本。
- 每次年度大會及續期後重設日程。

> **PRACTICAL EFFECT 實務效果**
>
> A calendar is a risk-control system only when every entry has an owner, an action and retained evidence.
>
> 只有在每項日程均有責任人、行動及保存證據時，日程才是風險控制系統。

Important notice

重要聲明

This guide is general educational information. It is not legal, financial, tax, building or investment advice, and it does not create a lawyer–client relationship. Property and body corporate outcomes turn on the particular contract, title, survey plan, community management statement, applicable regulation module and the law in force at the relevant time.

本指南僅提供一般教育資訊，並非法律、財務、稅務、建築或投資意見，亦不構成律師與客戶關係。物業及業主法人團體的法律結果，取決於個別契約、產權、測量圖則、社區管理聲明、適用的規管模組，以及相關時間的現行法例。

Obtain independent Queensland legal advice before signing a contract, waiving a condition, settling, or buying management rights. Where the English and Chinese texts differ, the English text governs.

簽署契約、放棄條件、辦理交割或購買管理權前，應取得獨立的昆士蘭法律意見。如中英文本有異，概以英文為準。

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