

Queensland Strata Property Guide

昆士蘭分層產權物業指南

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ENGLISH & TRADITIONAL CHINESE

CHAPTER 11 第11章

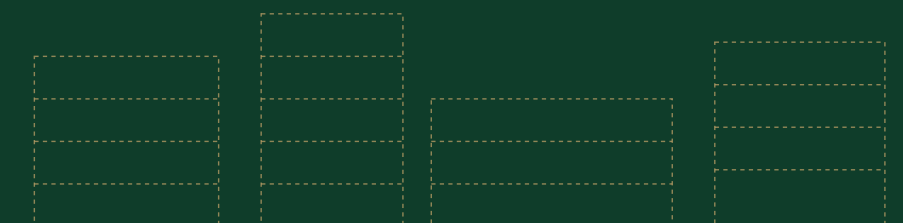
11

Facilities Managers, Caretakers, Letting Agents and Body Corporate Managers

設施管理人、管理維護人、出租代理人及業主法人管理人

7 sections · pages 107–113 of the complete guide

7節 · 全書第107至113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

KEVINPAI.COM

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.
- 先界定法定對象，再討論其商業效果。
- Keep title, governance, management and contractual rights analytically separate.
- 分開分析產權、治理、管理及契約權利。
- Use legislative history and worked examples to explain why the present rule exists.
- 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

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。

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。

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。

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。

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。

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。

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。

CORE TERMS

核心術語

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。

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。

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、管理規約及適用規規模組的註冊文件。

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界面的文件。

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。

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。

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

Strata & community title development
分層及社區產權發展

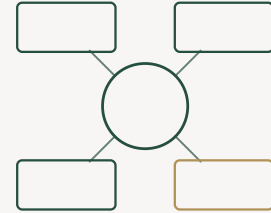
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MEMBERSHIPS

ACSL · UDIA (Qld) · SCA (Qld)
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11



Facilities Managers, Caretakers, Letting Agents and Body Corporate Managers

設施管理人、管理維護人、出租代理人
及業主法人管理人

11.1 Role comparison

角色比較

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決策權仍屬業主法人團體

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商業名稱背後的法律類別

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委任、授權與決策限制

11.6 Performance, conflicts and contract management

履約、利益衝突與契約管理

11.7 How the four roles should interact

四種角色應如何互動

A commercial title does not determine a provider's legal capacity. The role follows the services performed, the written engagement, the statutory definition and the person to whom the duty is owed. One business may provide facilities, caretaking, letting and body corporate administration, but each function retains its own authority, client, remuneration, licensing consequences and conflict risks.

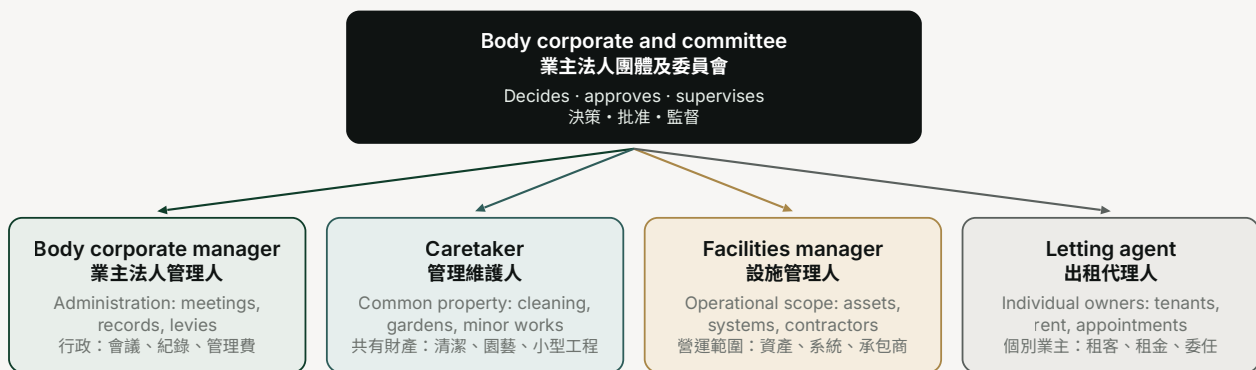
商業職稱不會決定服務提供者的法律身分。其角色取決於實際提供的服務、書面委任、法定定義及職責所對應的客戶。同一企業可同時提供設施、管理維護、出租及業主法人行政服務，但每一項職能仍各自具有不同的權限、客戶、報酬、牌照後果及利益衝突風險。

11.1

Role comparison

角色比較

ROLE 角色	CORE WORK 核心工作	PRIMARY CLIENT 主要客戶	LEGAL POINT 法律重點
Facilities manager 設施管理人	Operational label, not a single defined BCCM office. May plan maintenance, supervise contractors, compliance, assets and building systems. 屬營運名稱，並非BCCM法下單一法定職位；可負責維修規劃、監督承包商、合規、資產及大廈系統。	Usually the body corporate, owner or asset manager under a services contract. 通常依服務契約向業主法人團體、業主或資產管理人負責。	Check whether the work makes the provider a service contractor or caretaking service contractor. 查明工作是否令其成為服務承包商或管理維護服務承包商。
Caretaker / caretaking service contractor 管理維護人／管理維護服務承包商	Maintains common property under a long-term service engagement; typical work includes cleaning, gardens, pool and minor maintenance. 依長期服務委任維護共有財產；常見工作包括清潔、園藝、泳池及小型維修。	The body corporate. 業主法人團體。	A statutory caretaking service contractor is also an authorised letting agent, or associated with one; codes and transfer/termination rules apply. 法定管理維護服務承包商亦是獲授權出租代理人或其關聯人士；受行為守則及轉讓／終止規則約束。
Letting agent 出租代理人	Lets and manages individual lots for investor owners, collects rent and deals with tenants. 代表投資業主出租及管理個別單元、收取租金及處理租客事宜。	Each appointing lot owner, while authorisation to operate an onsite letting business comes from the body corporate. 向每名委任的單元業主負責；在項目內經營出租業務的授權則來自業主法人團體。	Must hold the relevant property licence. Owners are not obliged to use the authorised onsite agent. 須持有相關地產牌照；業主沒有義務使用獲授權的駐場代理人。
Body corporate manager 業主法人管理人	Provides administrative services: meetings, notices, records, levies, accounts and procedural advice within the written engagement. 提供行政服務，包括會議、通知、紀錄、管理費、帳目及委任範圍內的程序意見。	The body corporate collectively, not an individual committee member or lot owner. 向業主法人團體整體負責，而非個別委員或單元業主。	No dedicated Queensland body corporate manager licence is presently required; the statutory code of conduct and contract still apply. 昆士蘭目前沒有專門業主法人管理人牌照要求；但法定行為守則及契約仍然適用。

FIG 20 Who does what in a Queensland body corporate / 昆士蘭業主法人團體的角色分工

Authority stays with the legally authorised decision-maker. One business may hold several roles, but contracts, clients, money and conflicts remain separate.
 權限仍屬法定決策者。同一企業可兼任多個角色，但契約、客戶、款項及利益衝突仍須分開。

11.2

Decision-making remains with the body corporate

決策權仍屬業主法人團體

Engaging a manager or contractor does not generally transfer ownership of decisions. The committee and body corporate must act within statutory authority, approve expenditure and supervise performance. A body corporate manager can exercise only the powers given by the engagement or a valid statutory appointment; a caretaker does not become the committee.

聘用管理人或承包商一般不會轉移決策權。委員會及業主法人團體仍須在法定權限內行事、批准支出及監督履約。業主法人管理人只能行使委任契約或有效法定委任所授權的權力；管理維護人不會因此成為委員會。

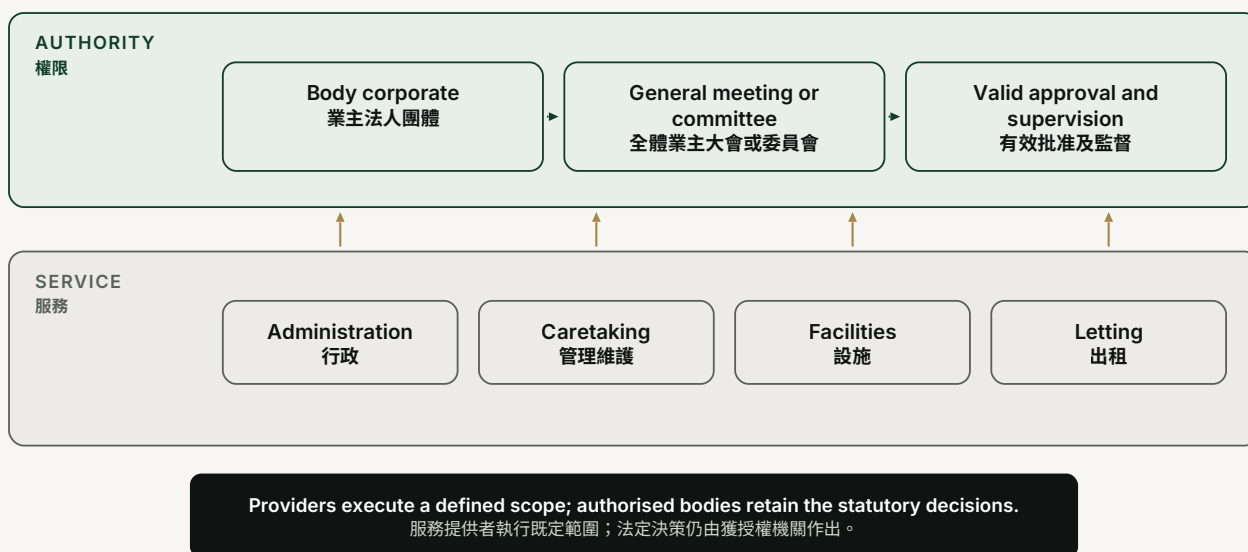
11.3

Contract review checklist

契約審查清單

- Exact duties, performance standards, hours and reporting.
- Term, options, annual increases and total long-term cost.
- Delegated authority, spending limits and bank access.
- Insurance, indemnities, subcontracting and workplace safety.
- Conflicts, commissions and benefits from third parties.
- 確切職責、服務標準、工作時間及報告要求。
- 年期、續期權、年度加幅及長期總成本。
- 授權權限、支出上限及銀行帳戶權限。
- 保險、彌償、分包及工作安全。
- 利益衝突、佣金及第三方利益。

- Performance notices, dispute process, assignment and termination.
- 履約通知、爭議程序、轉讓及終止。

FIG 21 Authority lane and service lane / 權限層與服務層

11.4

Legal categories behind commercial labels

商業名稱背後的法律類別

“Facilities manager” is usually an operational description rather than a single statutory office under the BCCM Act. The legal classification depends on the services, term and relationship. A provider may be a short-term contractor, a service contractor, a caretaking service contractor, a body corporate manager, an authorised letting agent or several of these under separate documents.

Classification affects approval, term, codes of conduct, disclosure, committee eligibility, transfer and termination. The same company logo on several agreements does not merge the legal roles. Advice should create a role matrix showing the contracting party, client, duties, remuneration, statutory status, decision-maker and dispute pathway for each engagement.

「設施管理人」通常是營運描述，而不是BCCM法下的單一法定職位。法律分類取決於服務內容、年期及關係。供應商可能是短期承包商、服務承包商、管理維護服務承包商、業主法人管理人、獲授權出租代理人，或在不同文件下兼具多個身份。

分類會影響批准、年期、行為守則、披露、委員會資格、轉讓及終止。多份協議使用同一公司標誌，並不會合併法律角色。法律意見應建立角色矩陣，列明每項委任的契約當事人、客戶、職責、報酬、法定身份、決策者及爭議途徑。

PRACTICAL CHECKLIST 實務清單

- Classify each agreement separately.
- 分別界定每份協議。
- Identify the statutory approval for each role.
- 確認每個角色的法定批准。
- Separate body corporate money from owner rental money.
- 分開業主法人團體款項與單元業主租金。

- Check licensing for property agency work.

- 查核地產代理工作的牌照要求。

PRACTICAL EFFECT 實務效果

Legal substance follows duties and authority, not the job title printed on a business card.

法律實質取決於職責及權限，而不是名片上的職稱。

11.5

Appointments, delegation and decision limits

委任、授權與決策限制

A body corporate manager supplies administrative services under a written engagement. The engagement can authorise specified functions, but the body corporate and committee remain responsible for decisions allocated to them by law. A caretaker maintains common property under the service agreement; the caretaker does not decide the body corporate's budget or become a voting committee member.

Delegations should identify transaction limits, bank authority, invoice approval, meeting support, records custody and emergency action. The committee should receive regular reports and retain oversight. A provider acting outside authority can create legal and practical problems even where the service was useful. Ratification cannot be assumed.

業主法人管理人依書面委任提供行政服務。委任可授權指定職能，但法例分配予業主法人團體及委員會的決策責任仍由其承擔。管理維護人依服務契約維護共有財產，不能決定業主法人團體預算，亦不會成為有投票權的委員。

授權應列明交易上限、銀行權限、發票批准、會議支援、紀錄保管及緊急行動。委員會應定期收到報告並保留監督。即使服務有用，供應商越權行事仍可產生法律及實際問題，不能假設其後必然獲追認。

PRACTICAL CHECKLIST 實務清單

- Record delegations in the engagement and resolutions.
- Set dual controls for material payments.
- Review emergency powers and reporting.
- Audit authority after committee or manager changes.

- 在委任及決議中記錄授權。
- 重大付款設定雙重控制。
- 審閱緊急權力及報告要求。
- 委員會或管理人更替後審核權限。

PRACTICAL EFFECT 實務效果

Outsourcing administration does not outsource statutory accountability.

外判行政工作不等於外判法定問責。

11.6

Performance, conflicts and contract management

履約、利益衝突與契約管理

A service contract should state measurable duties, frequency, hours, staffing, reporting and service standards. General expressions such as “keep the common property clean” are difficult to enforce without a site-specific duty schedule. The body corporate should distinguish routine services, additional chargeable work and capital projects requiring separate approval.

Conflicts may arise where the provider recommends related contractors, receives commissions, manages owner lettings or benefits from a proposed variation. Statutory and contractual disclosure must be supported by procurement controls. Performance concerns should be documented against the exact duty, with dates, evidence, notice and reasonable rectification steps.

服務契約應列明可衡量的職責、頻率、工時、人手、報告及服務標準。若沒有項目專屬職責表，「保持共有財產清潔」等一般用語難以執行。業主法人團體應區分例行服務、額外收費工作及須另行批准的資本工程。

如供應商推薦關聯承包商、收取佣金、管理業主出租或從擬議契約變更受益，便可能產生利益衝突。法定及契約披露須配合採購控制。履約問題應按確切職責記錄日期、證據、通知及合理整改步驟。

PRACTICAL CHECKLIST 實務清單

- Attach a site-specific duty schedule.
- Require disclosure of commissions and related parties.
- Use service-level reporting and inspection records.
- Follow the contract and statutory notice process.
- 附上項目專屬職責表。
- 要求披露佣金及關聯方。
- 採用服務水平報告及檢查紀錄。
- 遵守契約及法定通知程序。

PRACTICAL EFFECT 實務效果

Good contract management creates contemporaneous evidence before relationships deteriorate.

良好契約管理可在關係惡化前建立同步證據。

11.7

How the four roles should interact

四種角色應如何互動

The body corporate manager should support governance and records; the caretaker should perform common-property services; the letting agent should act for appointing lot owners and tenants; and the facilities manager should deliver the operational scope in its contract. One organisation may hold several roles, but information, money and authority should remain separated.

業主法人管理人應支援治理及紀錄；管理維護人應履行共有財產服務；出租代理人應代表委任其服務的單元業主並處理租客；設施管理人應完成契約所列營運範圍。即使同一機構兼任多個角色，資料、款項及權限仍須分開。

A practical governance map should show who receives defects, approves quotes, instructs contractors, accesses lots, controls keys, communicates with tenants, processes invoices and reports to the committee. Duplication creates cost; gaps create safety and maintenance risk. Procurement should assess capability, independence, systems, insurance, business continuity and transition arrangements.

PRACTICAL CHECKLIST 實務清單

- Create a responsibility and escalation matrix.
- Separate trust, body corporate and operating accounts.
- Test after-hours and emergency coverage.
- Plan document and system handover before contract expiry.
- 建立責任及升級處理矩陣。
- 分開信託、業主法人團體及營運帳戶。
- 測試非辦公時間及緊急支援。
- 契約屆滿前規劃文件及系統交接。

PRACTICAL EFFECT 實務效果

The objective is a complete operating model with no overlap in authority and no gap in responsibility.

實務治理圖應列明由誰接收缺陷、批准報價、指示承包商、進入單元、控制鑰匙、與租客溝通、處理發票及向委員會報告。職能重疊增加成本；職能缺口則產生安全及維修風險。採購應評估能力、獨立性、系統、保險、業務持續及交接安排。

目標是建立權限不重疊、責任無缺口的完整營運模式。

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.

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.

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。

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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