

Queensland Strata Property Guide

昆士蘭分層產權物業指南

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ENGLISH & TRADITIONAL CHINESE

CHAPTER 13 第13章

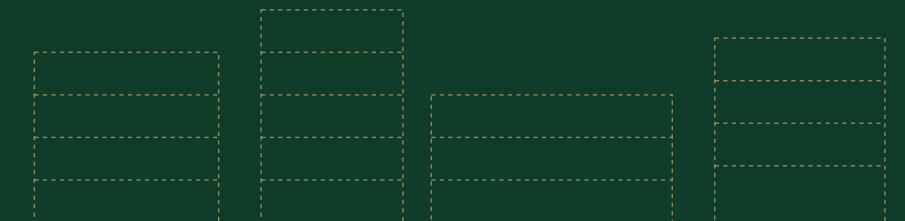
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How Does a Body Corporate Operate in Queensland?

昆士蘭業主法人團體如何運作？

14 sections · pages 123–135 of the complete guide

14節 · 全書第123至135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 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。

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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

FIRM

Bugden Allen Group Legal
合夥人

MEMBERSHIPS

ACSL · UDIA (Qld) · SCA (Qld)
專業學會成員

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How Does a Body Corporate Operate in Queensland?

昆士蘭業主法人團體如何運作？

13.1 Creation, membership and legal continuity
成立、成員資格及法律延續

13.2 One entity, three operating levels
一個實體、三個運作層級

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管治文件層級

13.4 Lot ownership, common property and body corporate assets
單元所有權、共有財產及業主法人團體資產

13.5 General meetings and resolution types
全體業主大會及決議類型

13.6 Committee operation within the body corporate
委員會在業主法人團體內的運作

13.7 Budgets, funds, levies and arrears
預算、基金、管理費及欠款

13.8 Maintenance, improvements and asset stewardship
維修、改善及資產管理

13.9 Insurance and risk allocation
保險及風險分配

13.10 Managers, caretakers, letting agents and other contractors
管理人、管理維護人、出租代理人及其他承包商

13.11 Records, transparency and owner participation
紀錄、透明度及業主參與

13.12 By-laws, approvals and compliance
管理規約、批准及合規

13.13 Disputes and decision review
爭議及決策覆核

13.14 Original-owner transition, layered schemes and annual cycle
原始業主交接、分層級項目及年度循環

A Queensland body corporate is created by statute when a community titles scheme is established. It is not incorporated by application, and membership is not optional: each registered lot owner becomes a member because the owner holds the lot. The body corporate continues despite changes of ownership and may sue or be sued in its statutory name.

Its operating system is therefore statutory rather than corporate. The BCCM Act supplies the legal personality, functions and duties; the applicable regulation module supplies much of the meeting, financial and administrative machinery; the registered community management statement identifies the scheme, module, lot entitlements and by-laws; and valid resolutions convert those rules into decisions. Each layer must be read with the others.

昆士蘭業主法人團體在社區產權項目成立時依法自動產生，毋須另行申請註冊成立；成員資格亦非自願選擇：每名註冊單元業主持有單元即成為成員。即使業主更替，業主法人團體仍持續存在，並可用其法定名稱起訴或被起訴。

因此，其運作制度屬法定治理而非公司治理。《業主法人團體及社區管理法》提供法律人格、職能及義務；適用規管模組提供大部分會議、財務及行政機制；已註冊社區管理聲明界定項目、規管模組、單元權益及管理規約；有效決議則把上述規則轉化為具體決策。各層文件必須互相配合閱讀。

OPERATING PREMISE 運作前提

The body corporate is the statutory entity. The general meeting and committee are decision forums within that entity; a body corporate manager, caretaker or letting agent is a service provider, not the owner of the body corporate's powers.

業主法人團體是法定實體；全體業主大會及委員會是該實體內的決策途徑。業主法人管理人、管理維護人或出租代理人屬服務提供者，並非業主法人團體權力的擁有人。

13.1

Creation, membership and legal continuity

成立、成員資格及法律延續

Under BCCM Act sections 24 and 30, the scheme is established when the first community management statement is recorded and the body corporate is then created. Section 31 makes the owners of all lots its members. The Corporations Act does not apply to the body corporate, and the body corporate may sue and be sued in its statutory name. These propositions distinguish the entity from both a private company and an informal owners' association.

Membership follows the title. A purchaser normally becomes a member at registration of the transfer; a vendor ceases to be a member when ownership ends. The entity's bank accounts, contracts, claims, records and resolutions do not reset at each transfer or committee election. Good administration protects that continuity by preserving records in systems controlled by the body corporate rather than by an individual office-holder or contractor.

依據BCCM法第24及30條，首份社區管理聲明記錄時，社區產權項目成立，業主法人團體亦隨即產生。第31條規定所有單元業主均為其成員。《公司法》不適用於業主法人團體，而業主法人團體可用其法定名稱起訴及被起訴。這些原則使其有別於私人公司及非正式業主組織。

成員資格隨產權轉移。買方通常在轉讓註冊時成為成員；賣方在所有權終止時不再是成員。業主法人團體的銀行帳戶、契約、索償、紀錄及決議，不會因每次轉讓或委員會選舉而重新開始。良好行政須把紀錄保存在由業主法人團體控制的系統內，而非由個別職務人員或承包商控制，以保障這種延續性。

13.2

One entity, three operating levels

一個實體、三個運作層級

LEVEL 層級	LEGAL ROLE 法律角色	CONTROL QUESTION 控制問題
Body corporate 業主法人團體	The statutory entity holding functions, liabilities, records and contractual relationships. / 承擔職能、責任、紀錄及契約關係的法定實體。	What function or duty must the entity perform? / 實體須履行何種職能或義務？
General meeting 全體業主大會	Owners decide matters reserved to them or requiring a specified resolution. / 業主決定保留予其處理或須特定決議通過的事項。	What resolution type, notice and voting threshold apply? / 適用何種決議、通知及表決門檻？
Committee 委員會	The statutory day-to-day decision forum, within limits and subject to owner oversight. / 在法定限制及業主監督下處理日常決策的法定途徑。	Is this within committee power, and has procedure been followed? / 事項是否在委員會權限內，程序是否已遵守？
Manager or contractor 管理人或承包商	Performs authorised administrative or operational work under an engagement. / 按委任執行獲授權的行政或營運工作。	Which resolution, delegation and contract authorise the act? / 哪項決議、授權及契約准許該行為？

The body corporate acts only through a legally recognised decision or authorised act. A general meeting cannot ignore a statutory restriction; a committee cannot decide a restricted issue; and a contractor cannot enlarge its authority by custom. The practical discipline is to identify the entity's function, the correct decision forum, the required resolution and the person authorised to implement it.

業主法人團體只能透過法律承認的決策或獲授權行為運作。全體業主大會不能忽略法定限制；委員會不能決定受限制事項；承包商亦不能依慣例自行擴張權限。實務上須依次確認實體職能、正確決策途徑、所需決議，以及獲授權執行的人士。

FIG 24 One entity, three operating levels / 一個實體、三個運作層級

LEVEL / 層級	LEGAL ROLE / 法律角色	CONTROL QUESTION / 控制問題
Body corporate 業主法人團體	The statutory entity holding functions, liabilities, records and contractual relationships. 承擔職能、責任、紀錄及契約關係的法定實體。	What function or duty must the entity perform? 實體須履行何種職能或義務？
General meeting 全體業主大會	Owners decide matters reserved to them or requiring a specified resolution. 業主決定保留予其處理或須以特定決議通過的事項。	What resolution type, notice and voting threshold apply? 適用何種決議、通知及表決門檻？
Committee 委員會	The statutory day-to-day decision forum, within limits and subject to owner oversight. 在法定限制及業主監督下處理日常決策的機關。	Is this within committee power, and has procedure been followed? 事項是否在委員會權限內？程序是否已遵守？
Manager or contractor 管理人或承包商	Performs authorised administrative or operational work under an engagement. 按委任執行獲授權的行政或營運工作。	Which resolution, delegation and contract authorise the act? 哪項決議、授權及契約准許該行為？

13.3

The governing hierarchy

管治文件層級

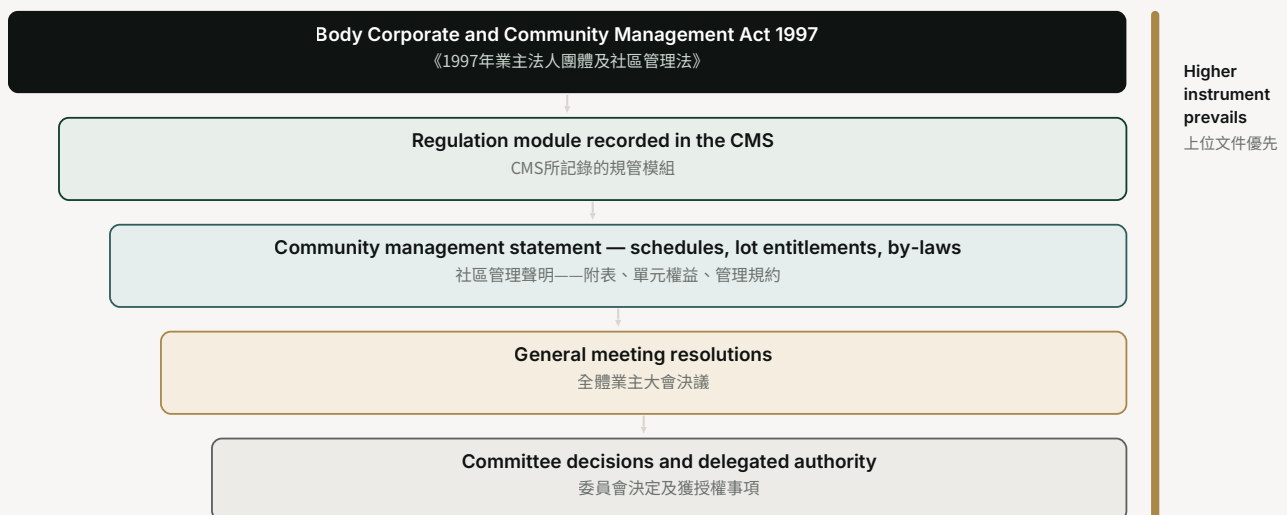
The starting hierarchy is the BCCM Act, the applicable regulation module and the registered CMS. Other laws remain relevant—including the Land Title Act, planning, building, work health and safety, fire, privacy, discrimination, residential tenancy, consumer and insurance laws—but none should be treated as silently rewriting the BCCM decision process. Site-specific schemes under historical legislation require their own gateway analysis.

The CMS is not merely a set of house rules. It identifies the scheme land and name, records the regulation module, contains contribution and interest schedule lot entitlements, states by-laws and may disclose future development or exclusive-use arrangements. A committee policy, contractor manual or long-standing practice cannot amend the registered CMS; a valid amendment requires the statutory approval and recording process.

基本層級由BCCM法、適用規管模組及已註冊CMS組成。其他法例仍可能適用，包括《土地產權法》、規劃、建築、工作健康與安全、消防、私隱、歧視、住宅租賃、消費者及保險法例；但不應假設任何該等法例會默示改寫BCCM決策程序。受歷史或特定地點法例規管的項目，須另作適用門檻分析。

CMS並非單純的住戶守則。它界定項目土地及名稱，記錄適用規管模組，載有分擔額及利益權益表，列明管理規約，並可披露未來發展或專用使用安排。委員會政策、承包商手冊或長期慣例均不能修改已註冊CMS；有效修訂須遵守法定批准及註冊程序。

FIG 25 The governing hierarchy / 管治文件層級



An instrument lower in the hierarchy cannot displace one above it. A resolution inconsistent with the module or the CMS is not made valid by the vote that passed it.

層級較低的文件不能推翻其上位文件。決議如與規管模組或CMS不符，並不會因獲表決通過而變得有效。

13.4

Lot ownership, common property and body corporate assets

單元所有權、共有財產及業主法人團體資產

A lot owner holds the registered lot. Common property is owned by the lot owners as tenants in common in shares linked to the interest schedule, while the body corporate administers, manages and controls it for the owners. A body corporate asset is property acquired by the body corporate that has not become part of common property. These categories must be kept separate because ownership, maintenance, insurance and approval consequences differ.

The survey plan format and actual location of a boundary or service are critical. Building format, standard format and volumetric format lots can produce different maintenance outcomes. Before authorising work, the body corporate should identify the plan, CMS, service route, cause of failure and relevant module provision. Payment should follow responsibility rather than urgency alone, except where emergency work must first protect persons or property.

單元業主持有其註冊單元。共有財產由各單元業主按利益權益表所定份額以分權共有方式持有，而由業主法人團體代表業主管理、行政及控制。業主法人團體資產，是由業主法人團體取得但未成為共有財產一部分的財產。這些類別必須分開，因為其所有權、維修、保險及批准後果不同。

測量圖則格式以及界線或服務設施的實際位置至關重要。建築格式、標準格式及空間體積格式單元可產生不同維修結果。授權工程前，業主法人團體應確認圖則、CMS、服務路線、故障原因及相關規管模組條文。除須先作緊急工程保障人身或財產外，最終付款責任應依法律責任分配，而非只按事情是否緊急。

13.5

General meetings and resolution types

全體業主大會及決議類型

The annual general meeting performs the recurring constitutional work of the scheme: receiving accounts, considering budgets and contributions, insurance, elections, audit questions and owner motions. An extraordinary general meeting deals with matters that cannot wait or are not appropriately left to the committee. Notice, explanatory material, motion wording, eligibility and voting method must comply with the applicable module.

年度大會處理項目的週期性憲制工作，包括接收帳目、審議預算及分攤款、保險、選舉、審計事項及業主動議。特別全體大會處理不能等待或不宜交由委員會決定的事項。通知、說明資料、動議文字、表決資格及投票方式均須符合適用規管模組。

RESOLUTION 決議	TYPICAL LEGAL FUNCTION 常見法律功能	DRAFTING DISCIPLINE 擬定要求
Ordinary resolution 普通決議	Routine owner-level matters where the Act or module prescribes this threshold. / 法例或模組規定採用該門檻的一般業主層級事項。	State the act, amount, fund, counterparty and implementation authority. / 列明行為、款額、基金、交易方及執行授權。
Special resolution 特別決議	Matters requiring enhanced owner support under the statute. / 法例規定須較高業主支持度的事項。	Test every statutory limb; do not reduce it to a simple show-of-hands majority. / 核查每項法定條件，不可簡化為舉手多數。

RESOLUTION 決議	TYPICAL LEGAL FUNCTION 常見法律功能	DRAFTING DISCIPLINE 擬定要求
Resolution without dissent 無異議決議	High-impact matters for which no opposing vote is permitted. / 不容許任何反對票的重大事項。	Verify notice, voting entitlement and every recorded vote before implementation. / 執行前核實通知、表決資格及每項已記錄票數。

The correct threshold is a legal conclusion, not a preference. Where the Act, module or CMS requires a particular resolution, a lower threshold cannot validate the decision. Conversely, imposing an unnecessarily higher threshold may itself frustrate proper administration. The motion should identify its statutory basis before voting begins.

正確門檻屬法律結論而非偏好。如法例、模組或CMS規定特定決議，較低門檻不能令決策有效；反之，任意施加不必要的較高門檻，亦可能妨礙妥善行政。表決開始前，動議應列明其法定依據。

THE VOTING REQUIREMENT FOR EACH RESOLUTION 各類決議的表決要求

A motion must state on the agenda the type of resolution required to pass it. Where the Act, the regulation module or the community management statement prescribes a type, that type governs. Where none is prescribed, the issue can generally be decided by ordinary resolution, and the committee may be able to decide it unless it is a restricted issue.

動議須在議程上註明須以何類決議通過。凡法例、規管模組或社區管理聲明已規定類型者，即以該類型為準；若未規定，一般可以普通決議決定，而除屬受限制事項外，委員會亦可能有權決定。

RESOLUTION 決議	VOTING REQUIREMENT 表決要求	PRACTICE POINT 實務要點
Ordinary resolution 普通決議	Votes counted in favour exceed votes counted against. Each lot has one vote; a voter entitled to vote may request a poll, in which case the contribution schedule lot entitlements for and against are compared. 贊成票多於反對票。每個單元一票；有表決資格者可要求記名點票，則比較贊成與反對方的分攤權益總和。	Ties fail. Abstentions are not counted. This is the only type for which a poll may be requested. 同票則動議不獲通過。棄權票不計入。只有此類型可要求記名點票。
Special resolution 特別決議	Three cumulative conditions: at least two-thirds of the votes cast are in favour; the number of votes against is not more than 25% of the total number of lots; and the contribution schedule lot entitlements of the votes against are not more than 25% of the total for all lots in the scheme. 須同時滿足三項條件：投下的票中至少三分之二贊成；反對票數目不超過單元總數的25%；反對票所代表的分攤權益不超過項目內所有單元分攤權益總和的25%。	Failure of any one condition defeats the motion. Test each limb separately; a two-thirds show of hands is not the test. 任一條件不滿足，動議即告失敗。須逐項檢視；單憑三分之二舉手並非標準。
Majority resolution 多數決議	Votes counted in favour are more than 50% of the lots whose owners are entitled to vote on the motion. Votes must be in writing and proxies are not permitted. 贊成票須超過有權就該動議表決的單元的50%。表決須以書面作出，並不得委任代表。	The denominator is lots, not votes cast. Silence therefore operates against the motion. 分母是單元數目，而非已投票數。因此，沒有表決即等同不利於動議。

RESOLUTION 決議	VOTING REQUIREMENT 表決要求	PRACTICE POINT 實務要點
Resolution without dissent 無異議決議	No vote is counted against the motion. An owner who owes the body corporate a debt may still vote on a motion of this kind. 沒有任何反對票。即使業主尚欠業主法人團體款項，仍可就此類動議表決。	A single vote against defeats it. Abstention does not. Verify entitlement before, not after, the count. 一票反對即告失敗，棄權則否。須在點票前而非點票後核實表決資格。
Termination resolution 終止決議	Used only for a motion to terminate the scheme. At least 75% of all lot owners in the scheme must vote in favour. An owner who owes the body corporate a debt may vote. 僅用於終止項目的動議。須有項目內至少 75% 的單元業主投贊成票。尚欠款的業主亦可表決。	Measured against all owners in the scheme, not attendance. 以項目內全體業主為基準，而非以出席人數計算。

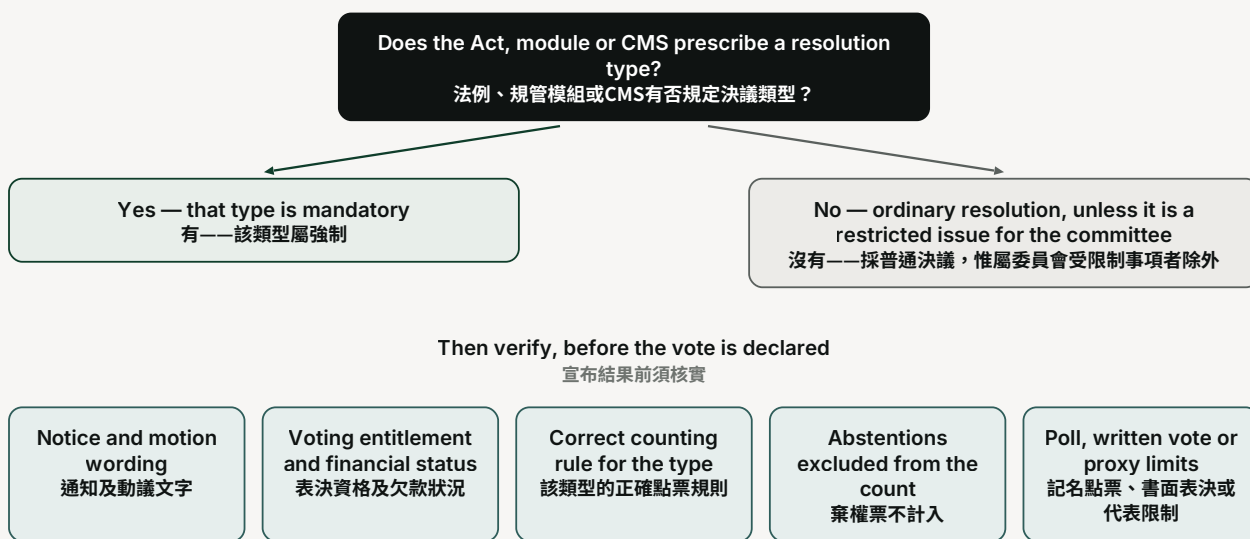
Two counting rules cut across all types. An abstention is not counted at all, so it neither assists nor obstructs a motion measured against votes cast — but it operates against a motion measured against the number of lots. And except for a resolution without dissent and a termination resolution, an owner who owes the body corporate a debt at the time of the meeting is not entitled to vote.

The practical discipline is to settle the resolution type when the motion is drafted, not when the votes are counted. A motion put as an ordinary resolution which the statute reserves to a special resolution does not become valid because it attracted overwhelming support, and the defect is usually discovered only when someone acts on the decision.

有兩項點票規則貫穿所有類型。棄權票完全不計入，故對以已投票數為基準的動議既無幫助亦無阻礙；但對以單元數目為基準的動議，則實際屬於不利。另外，除無異議決議及終止決議外，會議時尚欠業主法人團體款項的業主無權表決。

實務上的紀律，是在草擬動議時即確定決議類型，而非待點票時才處理。若法例規定須以特別決議處理的事項，卻以普通決議提出，即使獲壓倒性支持亦不會因此而有效；而此種瑕疵，往往要到有人依該決定行事時才被發現。

FIG 26 Identifying and verifying the resolution / 確認及核實決議類型



The threshold is a legal conclusion, not a preference. A lower threshold cannot validate a decision the statute reserves to a higher one, and an unnecessarily higher threshold can defeat proper administration.

門檻屬法律結論而非偏好。較低門檻不能令法例保留予較高門檻的決定變得有效；不必要地施加較高門檻，亦可能妨礙妥善行政。

13.6

Committee operation within the body corporate

委員會在業主法人團體內的運作

An authorised committee decision is a decision of the body corporate, but the committee remains confined by the Act and module. It cannot decide restricted issues, override a lawful general-meeting resolution or treat an office-holder's instruction as a collective decision. The committee must act reasonably and implement lawful body corporate decisions.

Chapter 14 develops the committee machinery in detail: composition, eligibility, authority classification, meetings, voting, owner motions, conflicts, finance, procurement, records, incidents and dispute escalation. The present chapter supplies the entity-level context within which those controls operate.

獲授權的委員會決策具有業主法人團體決策的效力，但委員會仍受法例及模組限制。它不能決定受限制事項、推翻合法全體大會決議，亦不能把一名職務人員的指示當作集體決策。委員會須合理行事，並執行業主法人團體的合法決議。

第14章詳細說明委員會機制，包括組成、資格、權限分類、會議、表決、業主動議、利益衝突、財務、採購、紀錄、事故及爭議升級。本章則提供上述控制機制運作所需的實體層級背景。

13.7

Budgets, funds, levies and arrears

預算、基金、管理費及欠款

Under the regulation modules, the body corporate adopts budgets and raises owner contributions. A Standard Module scheme ordinarily maintains an administrative fund for recurrent expenditure and a sinking fund for capital replacement and major non-recurrent expenditure. The budget is the financial expression of the body corporate's statutory and contractual obligations; a low levy does not remove a maintenance duty.

Contributions are usually allocated by the contribution schedule lot entitlements, subject to statutory exceptions and the nature of the expense. The body corporate must keep proper accounts, operate accounts in its name, control payments, reconcile receipts and recover arrears in accordance with the module. Discounts, penalties and debt recovery should be applied consistently and without informal waiver by an individual committee member.

依規管模組，業主法人團體通過預算並向業主徵收分攤款。標準規管模組項目通常設行政基金支付經常性支出，並設儲備基金支付資本更換及重大非經常性支出。預算是業主法人團體法定及契約義務的財務表達；管理費偏低不會消除維修義務。

分攤款一般按分擔額權益表分配，但須受法定例外及支出性質影響。業主法人團體須保存妥善帳目，以其名義操作帳戶，控制付款、核對收入，並依規管模組追收欠款。折扣、罰款及債務追收應一致執行，不得由個別委員非正式豁免。

FINANCIAL TEST 財務測試

For every material expense, identify: the legal duty or approved project; the correct fund; the budget provision; the spending authority; the quotation requirement; the contracting party; the signatory; and the evidence of completion.

每項重大支出均須確認：法律義務或已批准項目、正確基金、預算撥款、支出權限、報價要求、契約方、簽署人及完工證據。

13.8

Maintenance, improvements and asset stewardship

維修、改善及資產管理

The body corporate's core property function is to administer, manage and control common property and body corporate assets reasonably and for owners' benefit. Maintenance preserves the required condition; an improvement adds to or changes the property. Different approval and spending rules can apply, so labelling an improvement as maintenance does not avoid the correct resolution.

業主法人團體的核心財產職能，是為業主利益合理地行政、管理及控制共有財產及業主法人團體資產。維修旨在維持法定狀況；改善則增加或改變財產。兩者可適用不同批准及支出規則，因此把改善稱為維修，不能規避正確決議。

A competent operating system uses an asset register, condition assessments, planned-maintenance calendar, warranty register, defect register and capital forecast. Each asset should have a responsible party, service standard, inspection frequency, remaining life, replacement allowance and record location. Reactive repairs remain necessary, but they should not substitute for planned stewardship.

完善運作制度應包括資產登記冊、狀況評估、計劃維修日程、保養登記冊、缺陷登記冊及資本預測。每項資產均應列明責任方、服務標準、檢查頻率、剩餘壽命、更換撥備及紀錄位置。緊急修理仍屬必要，但不能取代計劃資產管理。

FIG 27 Deciding a maintenance responsibility / 判斷維修責任歸屬



Emergency work to protect persons or property may proceed first. That does not change who ultimately bears the cost, which should be settled on the documents afterwards.

為保障人身或財產的緊急工程可先行進行，但這不改變最終由誰承擔費用；該責任其後仍應依文件確定。

13.9

Insurance and risk allocation

保險及風險分配

The applicable module prescribes body corporate insurance obligations. The required cover may include building and public-risk insurance, but the precise result depends on the scheme and plan format. Body corporate insurance should not be described as covering every owner's contents, improvements, loss of rent, temporary accommodation or liability. Owners and occupiers require their own advice and cover.

The body corporate should maintain current valuations, policy schedules, disclosure to insurers, claims protocols and an insurance-risk register. After an incident, immediate protection and evidence preservation come first; ultimate responsibility, recovery and contribution are determined after the plan, maintenance duty, contract, causation and policy are analysed. Admissions and irreversible rectification should be controlled.

適用規管模組規定業主法人團體的保險義務。所需保障可包括建築物及公眾責任保險，但實際結果取決於項目及圖則格式。不得把業主法人團體保險描述為涵蓋每名業主的家居財物、改善工程、租金損失、臨時住宿或責任。業主及佔用人須另行取得意見及保險。

業主法人團體應保存最新估值、保單附表、向保險人的披露、索償程序及保險風險登記冊。事故後應先作即時保護及保存證據；最終責任、追償及分攤，須在分析圖則、維修義務、契約、因果及保單後決定。承認責任及不可逆修復工程均須受控。

13.10

Managers, caretakers, letting agents and other contractors

管理人、管理維護人、出租代理人及其他承包商

A body corporate may engage a body corporate manager for administrative services, a service contractor for specified services and, where authorised, a letting agent to conduct a letting business for participating owners. It may also engage specialist maintenance, fire, lift, cleaning, security, legal, accounting and engineering providers. Each role arises from its statute and contract; labels do not create authority.

The engagement should identify scope, performance standard, term, remuneration, escalation, reporting, insurance, conflicts, records, variation, assignment and termination. The body corporate remains responsible for governance even when administration is outsourced. It should own the bank account, data, credentials and institutional records needed to change providers without operational paralysis.

業主法人團體可委任業主法人管理人提供行政服務、委任服務承包商提供指定服務，並在獲授權情況下委任出租代理人為選擇參與的業主經營出租業務；亦可委任專業維修、消防、升降機、清潔、保安、法律、會計及工程服務提供者。每個角色的權限來自法例及契約；名稱本身不產生權力。

委任文件應列明範圍、履約標準、期限、報酬、調價、報告、保險、利益衝突、紀錄、變更、轉讓及終止。即使行政工作外判，治理責任仍屬業主法人團體。業主法人團體應控制銀行帳戶、數據、登入資料及機構紀錄，以便更換服務提供者時不致癱瘓運作。

13.11

Records, transparency and owner participation

紀錄、透明度及業主參與

The body corporate record is the institutional memory of the scheme. It should include the CMS and plans, roll, notices, motions, minutes, voting records, financial statements, budgets, contribution notices, bank records, contracts, quotations, insurance, asset and maintenance material, correspondence and dispute files. Statutory access rights apply to many records; confidentiality labels do not displace the legislation.

Transparency does not require uncontrolled publication. Personal information, privileged advice, arrears information, health material, security records and allegations should be handled for a lawful purpose and through the correct access process. Owner communications should state the decision, authority, financial effect, implementation status and review pathway without unnecessary personal commentary.

業主法人團體紀錄是項目的機構記憶，應包括CMS及圖則、名冊、通知、動議、會議紀錄、表決紀錄、財務報表、預算、分攤款通知、銀行紀錄、契約、報價、保險、資產及維修資料、往來文件及爭議檔案。許多紀錄受法定查閱權規管；保密標籤不能排除法例。

透明度不代表可以不受控制地公開資料。個人資料、受法律專業保密特權保障的意見、欠款資料、健康資料、保安紀錄及指控，須為合法目的並依正確查閱程序處理。向業主的通訊應列明決策、權限、財務效果、執行狀況及覆核途徑，避免不必要的人身評論。

13.12

By-laws, approvals and compliance

管理規約、批准及合規

By-laws regulate use and enjoyment within statutory limits. They do not transfer ownership, create a general power to impose fines or validate unreasonable administration. An approval application should be decided by the correct body, within the applicable period, on relevant evidence and with lawful, proportionate conditions. A committee preference is not a registered by-law.

Enforcement should identify the precise by-law and conduct, preserve evidence, use the correct convention notice where required, allow a fair response and select a lawful forum. Informal escalation, public accusation or selective enforcement can damage both the legal case and community confidence. The body corporate must act reasonably throughout.

管理規約在法定限制內規管物業的使用及享用。管理規約不會轉移所有權、產生一般罰款權力，亦不能令不合理行政合法化。批准申請應由正確機關在適用期限內，根據相關證據作決定，並只施加合法及相稱條件。委員會偏好並非已註冊管理規約。

執行管理規約時，應指出確切管理規約及行為、保存證據、在需要時使用正確違規通知、給予公平回應機會，並選擇合法處理機關。非正式升級、公開指控或選擇性執法，可同時損害法律個案及社區信任。業主法人團體在整個過程中均須合理行事。

13.13

Disputes and decision review

爭議及決策覆核

Most BCCM disputes should begin with reasonable self resolution supported by a clear chronology, the governing instrument, the challenged decision and the outcome sought. Conciliation and adjudication are central statutory pathways, while some contractual, management-rights, debt, urgent, appellate or court matters follow different routes. Forum, standing, time limits and settlement authority require early analysis.

A dispute is also a governance audit. After resolution, the body corporate should correct the underlying system—motion drafting, records, by-laws, asset controls, contract management, communications or training—rather than treating the outcome as an isolated event.

大部分BCCM爭議應先進行合理自行解決，並備有清晰時序、適用文件、受挑戰決策及所求結果。調解及裁決是主要法定途徑；部分契約、管理權、債務、緊急、上訴或法院事項則採用不同程序。處理機關、申請資格、期限及和解權限須及早分析。

爭議亦是一次治理審核。解決後，業主法人團體應修正引起問題的制度，例如動議擬定、紀錄、管理規約、資產控制、契約管理、通訊或培訓，而不應把結果視為孤立事件。

13.14

Original-owner transition, layered schemes and annual cycle

原始業主交接、分層級項目及年度循環

During the original-owner control period, the body corporate already exists but practical control may remain concentrated. The first annual general meeting and handover should secure the CMS, plans, approvals, accounts, insurance, warranties, contracts, as-built documents, asset data, keys, access credentials, defect material and development commitments. Statutory disclosure and contracting controls should be tested, not assumed.

In a layered arrangement, a subsidiary body corporate is a member of a principal scheme. Decisions, services and costs may move through more than one entity, so the operating file should contain a hierarchy diagram, upstream CMS documents, representation authority, shared-service arrangements and a cost-allocation matrix. Owners should be told which entity owns the issue and which meeting can decide it.

在原始業主控制期內，業主法人團體已經存在，但實際控制可能仍高度集中。首屆年度大會及交接應取得CMS、圖則、批准、帳目、保險、保養、契約、竣工文件、資產數據、鑰匙、登入資料、缺陷資料及發展承諾。法定披露及訂約限制必須核查，不可假設已獲遵守。

在分層級架構中，附屬項目的業主法人團體是主要項目的成員。決策、服務及成本可能經過多於一個實體，因此運作檔案應備有層級圖、上層CMS文件、代表權限、共用服務安排及成本分配矩陣。業主應獲告知由哪個實體負責事項，以及哪個會議有權決定。

CYCLE 循環	ENTITY-LEVEL WORK 實體層級工作	EVIDENCE 證據
Monthly 每月	Cash, arrears, incidents, claims, actions, contracts and urgent maintenance. / 現金、欠款、事故、索償、行動、契約及緊急維修。	Exception report and action register. / 例外報告及行動登記冊。
Quarterly 每季	Budget variance, asset risk, procurement, insurance changes and contractor performance. / 預算差異、資產風險、採購、保險變更及承包商表現。	Dashboard, contract and risk registers. / 儀表板、契約及風險登記冊。
Annually 每年	AGM, budgets, levies, elections, insurance, forecasts, contracts, records and next-year priorities. / 年度大會、預算、管理費、選舉、保險、預測、契約、紀錄及來年優先事項。	Approved motions, minutes and controlled handover. / 已通過動議、會議紀錄及受控交接。

WHOLE-SYSTEM TEST 整體制度測試

For any issue, answer five questions: What property or legal relationship is affected? Which entity has the function? Which forum has authority? What money and contract implement the decision? What retained record proves completion?

每項事項均須回答五個問題：涉及甚麼財產或法律關係？哪個實體具有職能？哪個途徑有權決策？由哪項資金及契約執行？保存甚麼紀錄證明完成？

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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