

Queensland Strata Property Guide

昆士蘭分層產權物業指南

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ENGLISH & TRADITIONAL CHINESE

CHAPTER 2 第2章

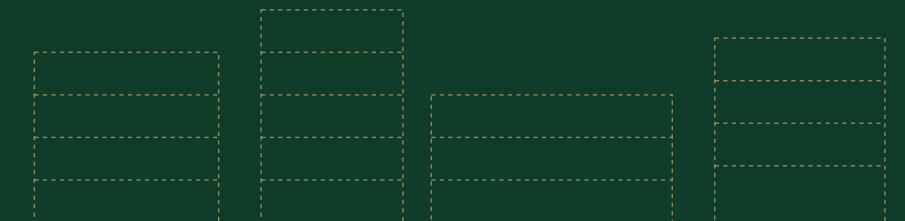
02

History of Strata Legislation in Queensland

昆士蘭分層產權立法沿革

9 sections · pages 13–21 of the complete guide

9節 · 全書第13至21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

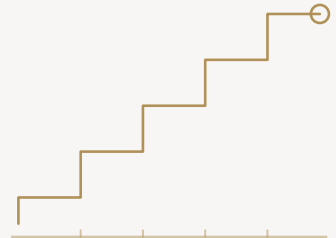
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MEMBERSHIPS

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02



History of Strata Legislation in Queensland

昆士蘭分層產權立法沿革

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舊有法例為何仍重要

2.4 Building Units Titles Act 1965

《1965年建築單元產權法》

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組合產權與1980年整合

2.6 Why the BCCM Act changed the model

BCCM法為何改變制度

2.7 How a community titles scheme is constituted

社區產權項目如何成立

2.8 The five regulation modules

五種規管模組

2.9 Recent reform themes: 2020 to 2025

2020至2025年的近期改革

The first task in a Queensland strata matter is to identify the governing statute from the current title, registered plan and scheme documents. The modern BCCM Act is the principal regime, but it did not abolish every earlier or site-specific system. Queensland's history accordingly remains operational: an older Act may still determine the body corporate structure, voting rules, maintenance obligations and dispute pathway for a present-day scheme.

處理昆士蘭分層產權事務的第一項工作，是從現行產權、註冊圖則及項目文件確定適用法例。現代BCCM法雖是主要制度，但並未廢除所有早期或特定地點制度。因此，昆士蘭的立法沿革仍具有實際效力：舊有法例至今可能決定項目的業主法人團體架構、投票規則、維修義務及爭議處理途徑。

2.1

Legislative timeline

立法時間線

YEAR 年份	INSTRUMENT 法例	DEVELOPMENT 發展
1965	Building Units Titles Act 1965	Introduced separate freehold titles for units, common property, a body corporate and unit entitlements. 引入單元獨立永久業權、共有財產、業主法人團體及單元權益。
1973	Group Titles Act 1973	Extended collective-title concepts beyond a single building, including horizontal developments. 把集體產權概念擴展至單幢大廈以外，包括橫向發展。
1980	Building Units and Group Titles Act 1980 (BUGT Act)	Consolidated the earlier regimes; still applies to a limited group of legacy and specified schemes. 整合早期制度；現時仍適用於有限的舊有及指定項目。
1985	Sanctuary Cove Resort Act 1985	Created a site-specific resort governance and planning framework. 為神仙灣度假村設立特定地點的治理及規劃制度。
1987	Integrated Resort Development Act 1987	Provided a special structure used for integrated resort developments, including Hope Island Resort land. 為綜合度假村發展提供特別架構，包括希望島度假村範圍內的土地。
1989	South Bank Corporation Act 1989	Created a site-specific statutory framework for the continuing development and management of the South Bank corporation area. 為南岸公司區域的持續開發及管理建立特定地點的法定制度。
1997	Body Corporate and Community Management Act 1997	Established the modern community titles scheme, CMS, regulation modules and specialist dispute resolution. 建立現代社區產權項目、社區管理聲明、規管模組及專門爭議處理制度。
2020	Current principal regulation modules	Updated Standard, Accommodation, Commercial and Small Schemes modules. 更新標準、住宿、商業及小型項目等主要規管模組。
2023–25	Consumer and scheme reforms	Sunset-clause controls, economic termination, pets and the seller-disclosure regime were modernised. 更新日落條款限制、經濟原因終止項目、寵物及賣方披露制度。

2.2

The current BCCM architecture

現行BCCM架構

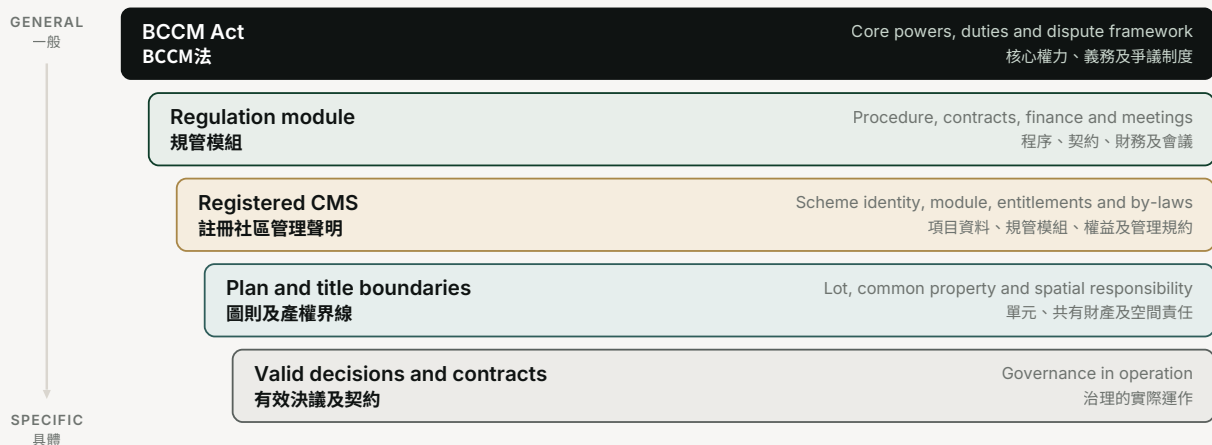
A modern Queensland community titles scheme is created by registering a plan and a community management statement (CMS). All lot owners automatically form the body corporate. The BCCM Act supplies the core legal framework; the CMS identifies the applicable regulation module, lot-entitlement schedules and by-laws.

現代昆士蘭社區產權項目透過註冊圖則及社區管理聲明

(CMS) 成立。所有單元業主自動組成業主人團體。《業主人及社區管理法》提供核心法律架構；CMS則載明適用的規管模組、單元權益表及管理規約。

- Standard Module: the most regulated general model, commonly used where many owners occupy their lots.
- Accommodation Module: designed for schemes with a substantial letting or accommodation focus.
- Commercial Module: adapted for commercial schemes.
- Small Schemes Module: simplified rules for schemes of six lots or fewer.
- Specified Two-lot Schemes Module: a highly simplified regime for eligible residential two-lot schemes.
- 標準規管模組：規管最全面的一般模式，常用於較多自住業主的项目。
- 住宿物業規管模組：適合以出租或住宿用途為主的项目。
- 商業物業規管模組：適用於商業项目。
- 小型项目規管模組：為六個或以下單元提供簡化規則。
- 指定兩單元项目規管模組：為合資格住宅兩單元项目提供高度簡化制度。

FIG 3 Queensland's BCCM legal stack / 昆士蘭BCCM法律層級



2.3

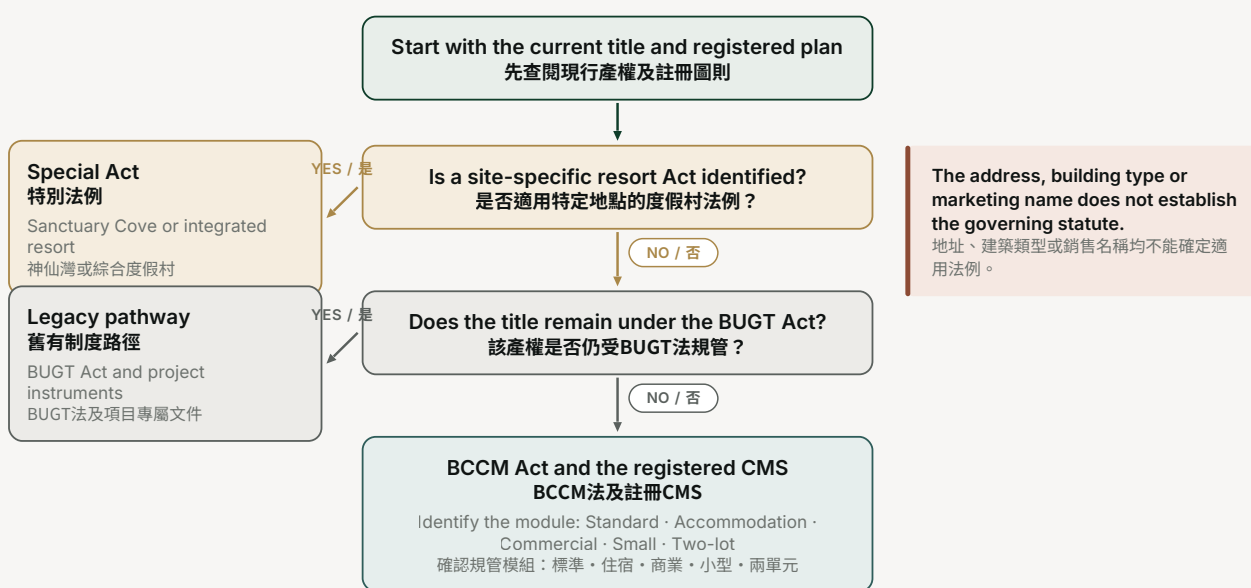
Why legacy legislation matters

舊有法例為何仍重要

The BUGT Act and special development Acts were not simply erased. They continue for particular schemes. Forms, by-laws, meeting procedures and dispute pathways can differ. A due-diligence report should therefore identify the registered plan type, governing Act, body corporate name, applicable module and any layered or thoroughfare body corporate.

《建築單元及組合產權法》與特別發展法例並未完全廢除，仍規管特定項目。因此，表格、管理規約、會議程序及爭議途徑可能不同。盡職調查報告應確認註冊圖則類型、適用法例、業主人團體名稱、規管模組，以及任何分層級或道路業主人團體。

FIG 4 Identifying the governing Queensland scheme law / 識別昆士蘭項目適用法例



2.4

Building Units Titles Act 1965

《1965年建築單元產權法》

Queensland's Building Units Titles Act 1965 introduced a statutory method for dividing a building into separately owned units and common property. It established a body corporate and used unit entitlements to connect proprietary interests, voting and financial contributions. For its time, the model substantially improved certainty and financeability.

昆士蘭《1965年建築單元產權法》建立法定方法，把大廈劃分為獨立擁有的單元及共有財產。法例設立業主人團體，並以單元權益連結產權利益、投票及財務分攤。以當時標準而言，該制度大幅提升產權確定性及融資能力。

The legislation was principally suited to a building-based subdivision. It did not yet offer the sophisticated staging, layered schemes, flexible plan formats and differentiated management regimes now expected for mixed-use or master-planned communities. Its importance lies in establishing the basic Queensland vocabulary of unit ownership plus compulsory shared administration.

PRACTICAL CHECKLIST 實務清單

- Confirm whether an older plan was converted or remains under legacy law.
- Do not infer boundaries from the building's visible walls alone.
- Review entitlement schedules before allocating historical costs.
- Check original by-laws and later registered amendments.
- 確認舊有圖則是否已轉換，還是仍受舊法規管。
- 不可只按大廈可見牆身推斷單元界線。
- 分配歷史成本前須審閱權益表。
- 查閱原始管理規約及其後註冊修訂。

PRACTICAL EFFECT 實務效果

Historical title instruments remain operational documents. Age does not make them irrelevant.

歷史產權文件仍可具有實際法律效力，不會因年代久遠而失去重要性。

2.5

Group titles and the 1980 consolidation

組合產權與1980年整合

The Group Titles Act 1973 extended collective-title principles beyond a single vertical building. It better accommodated townhouses and developments where owners shared roads, open space or facilities across a site. The Building Units and Group Titles Act 1980 then consolidated the building-units and group-titles regimes.

The BUGT Act remains relevant because some schemes continue under it or under special legislation that adopts parts of it. Its continuing operation means that "old system" is not a casual label: it can alter forms, meeting processes, adjudication pathways and terminology. A practitioner must identify the legislative source of each power instead of assuming the modern BCCM modules apply.

《1973年組合產權法》把集體產權原則擴展至單一垂直大廈以外，更能容納聯排住宅，以及業主在整幅土地上共用道路、休憩空間或設施的發展。《1980年建築單元及組合產權法》其後整合建築單元與組合產權制度。

BUGT法仍然重要，因為部分項目繼續受其規管，或特別法例採納其中條文。因此，「舊制度」並非隨意稱呼，而可能改變表格、會議程序、裁決途徑及術語。實務人員必須確認每項權力的法源，不可假設現代BCCM規管模組必然適用。

PRACTICAL CHECKLIST 實務清單

- Read the title and plan before selecting a statutory form.
- Identify every amending or site-specific Act.
- Check which dispute service has jurisdiction.
- Explain legacy terminology to buyers and committee members.
- 選用法定表格前先查閱產權及圖則。
- 確認所有修訂法例或特定地點法例。
- 查明哪一爭議處理機關具有管轄權。
- 向買方及委員會成員解釋舊制度術語。

PRACTICAL EFFECT 實務效果

A legacy scheme can look ordinary but operate differently. Title diagnosis is the first legal task.

舊制項目外觀可以十分普通，但運作方式不同；產權制度識別是首要法律工作。

2.6

Why the BCCM Act changed the model

BCCM法為何改變制度

The Body Corporate and Community Management Act 1997 created a flexible framework for establishing, operating and managing community titles schemes. Instead of placing every operational rule in one Act, it combines core statutory principles with a Community Management Statement and a regulation module selected for the scheme.

This architecture lets the law respond differently to owner-occupied residential, accommodation-focused, commercial, small and specified two-lot schemes. It also supports layered arrangements and staged development. The flexibility is valuable, but it makes the CMS indispensable: without identifying the applicable module, entitlement schedules and by-laws, a reader does not yet know the complete governance rules.

《1997年業主法人團體及社區管理法》為社區產權項目的成立、運作及管理建立彈性架構。法例並非把所有營運規則放在單一法案，而是把核心法定原則、社區管理聲明及按項目選用的規管模組結合。

此架構使法例可分別回應自住住宅、住宿用途、商業、小型及指定兩單元項目，亦支援分層級安排及分期發展。彈性雖有價值，卻令CMS成為不可或缺的文件：未確認適用模組、權益表及管理規約前，讀者尚未掌握完整理理規則。

PRACTICAL CHECKLIST 實務清單

- Act: core rights, obligations and dispute framework.
- Module: detailed meeting, financial and contracting rules.
- CMS: scheme-specific identity, entitlements and by-laws.
- Plan: legal boundaries and common property.
- 法案：核心權利、義務及爭議架構。
- 規管模組：詳細會議、財務及契約規則。
- CMS：項目專屬身份、權益及管理規約。
- 圖則：法定界線及共有財產。

PRACTICAL EFFECT 實務效果

The correct answer usually comes from reading the Act, module, CMS and plan together.

正確答案通常須把法案、規管模組、CMS及圖則一併閱讀。

2.7

How a community titles scheme is constituted

社區產權項目如何成立

A Queensland community titles scheme is constituted through registration of the relevant survey plan and community management statement. The body corporate arises automatically; it is not an optional association and owners do not sign a separate membership agreement. The body corporate has perpetual succession despite changes in lot ownership.

The body corporate administers common property and assets, raises contributions, maintains records, arranges required insurance and enforces valid by-laws. Owners exercise collective authority through general meetings and, where applicable, a committee. The legal entity can contract and sue or be sued in relation to its statutory functions, but it must stay within the powers conferred by the legislation.

昆士蘭社區產權項目透過註冊相關測量圖則及社區管理聲明而成立。業主法人團體自動產生，並非可選擇加入的協會；業主亦毋須另簽會員協議。即使單元業主更替，業主法人團體仍持續存在。

業主法人團體管理共有財產及資產、徵收分攤款、保存紀錄、安排法定保險及執行有效管理規約。業主透過全體大會及在適用情況下的委員會行使集體權力。該法定實體可就其職能訂約、起訴或被起訴，但必須在法例授權範圍內行事。

PRACTICAL CHECKLIST 實務清單

- Verify the exact body corporate name shown on the CMS.
- Confirm whether the scheme is basic or part of a layered arrangement.
- Identify current committee members and authorised signatories.
- Check that proposed contracts fall within statutory authority.
- 核實CMS所載業主法人團體的完整名稱。
- 確認項目屬基本項目還是分層級安排的一部分。
- 確認現任委員及獲授權簽署人。
- 查核擬訂契約是否在法定權限內。

PRACTICAL EFFECT 實務效果

Incorporation does not give unlimited corporate capacity. Body corporate powers remain purpose-limited.

法團身份不代表具有無限公司能力；業主法人團體的權力仍受法定目的限制。

2.8

The five regulation modules

五種規管模組

The BCCM framework uses five regulation modules. The Standard Module is the general and most regulated model. The Accommodation Module is designed for schemes where accommodation letting is a significant feature. The Commercial Module adapts governance for commercial property. The Small Schemes Module simplifies eligible schemes of six lots or fewer. The Specified Two-lot Schemes Module uses written lot-owner agreements for eligible residential two-lot schemes.

A scheme may have only one applicable module, identified in its CMS and subject to statutory eligibility conditions. The module affects committee structure, meeting procedure, financial administration and the permissible term of certain engagements. It does not change the underlying title boundaries. Changing a module normally requires a formal CMS amendment and eligibility analysis.

BCCM架構設有五種規管模組。標準模組是一般且規管最完整的制度；住宿物業模組適合以住宿出租為重要特徵的項目；商業物業模組為商業物業調整治理規則；小型項目模組簡化六個或以下單元的合資格項目；指定兩單元項目模組則以書面單元業主協議管理合資格住宅兩單元項目。

每個項目只可適用一種規管模組，並須在CMS中指定且符合法定資格條件。規管模組影響委員會架構、會議程序、財務管理及若干委任的准許年期，但不會改變基礎產權界線。更改模組通常須正式修訂CMS及進行資格分析。

PRACTICAL CHECKLIST 實務清單

- Never select a module from the development's marketing description.
- Obtain the current—not merely the first—CMS.
- Check eligibility before proposing a module change.
- Reassess existing contracts against the destination module.
- 不可按大廈銷售描述選定規管模組。
- 取得現行而非僅首份CMS。
- 建議更改模組前先查核資格。
- 按擬轉入模組重新審視現有契約。

PRACTICAL EFFECT 實務效果

The regulation module is a legal operating system. It should appear near the beginning of every scheme advice.

規管模組相當於項目的法律作業系統，應在每份項目法律意見的前段清楚列明。

2.9

Recent reform themes: 2020 to 2025

2020至2025年的近期改革

The 2020 regulation modules modernised operational rules across the principal scheme categories. Subsequent reforms addressed issues such as electronic processes, pets, termination of uneconomic schemes and consumer information. From 1 August 2025, Queensland's broader seller-disclosure regime also changed the information pathway for property transactions, including community-title sales.

The policy direction is toward earlier, standardised information and clearer pathways for ageing schemes, while preserving procedural safeguards. Yet reforms do not eliminate due diligence. A statutory certificate is a snapshot; it may not reveal every dispute, proposed capital project, building defect, informal conflict or contract risk contained in the underlying records.

2020年規管模組現代化主要項目類別的營運規則。其後改革處理電子程序、寵物、不具經濟效益項目的終止及消費者資訊等問題。自2025年8月1日起，昆士蘭更廣泛的賣方披露制度亦改變了物業交易（包括社區產權銷售）的資訊流程。

政策方向是更早提供標準化資訊，並為老舊項目建立更清晰處理途徑，同時保留程序保障。然而，改革並不取代盡職調查。法定證明只是某一時間點的資料，未必揭示底層紀錄中的每項爭議、擬議資本工程、建築缺陷、非正式衝突或契約風險。

PRACTICAL CHECKLIST 實務清單

- Use the current prescribed forms for the contract date.
- Distinguish statutory disclosure from an independent records search.
- Check commencement and transitional provisions.
- Update precedents whenever legislation or forms change.
- 按契約日期使用當時有效的指定表格。
- 區分法定披露與獨立紀錄查冊。
- 查閱生效日期及過渡條文。
- 法例或表格更改時更新範本。

PRACTICAL EFFECT 實務效果

Compliance is date-sensitive. A correct process under an earlier regime may be incomplete after commencement of a reform.

合規具有日期敏感性；在舊制度下正確的程序，在改革生效後可能已不完整。

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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