

Queensland Strata Property Guide

昆士蘭分層產權物業指南

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ENGLISH & TRADITIONAL CHINESE

CHAPTER 4 第4章

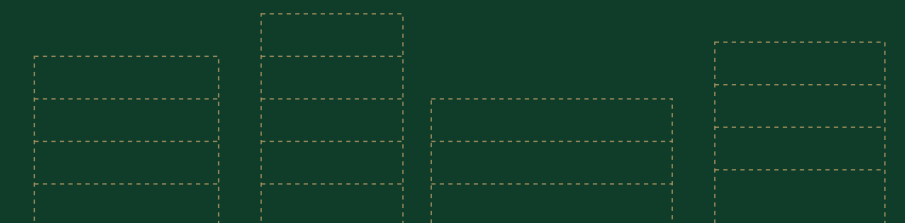
04

Taiwan and Queensland Compared

臺灣與昆士蘭制度比較

17 sections · pages 31–43 of the complete guide

17節 · 全書第31至43頁



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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

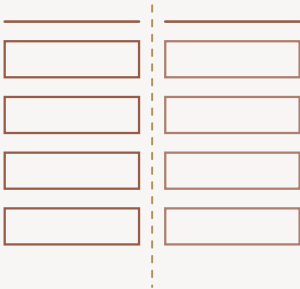
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專業學會成員

04



Taiwan and Queensland Compared

臺灣與昆士蘭制度比較

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爭議、交接與重建

Taiwan and Queensland both combine separately owned property with compulsory collective administration, but similarity of function does not establish equivalence of legal form. This chapter compares the legal object owned, the collective decision-maker, the governing documents, funding, management and enforcement. A term used in one jurisdiction should not be substituted for a term in the other without first testing its legal effect.

臺灣與昆士蘭均把個別所有的物業與強制集體行政管理結合，但功能相似並不表示法律形式相同。本章比較所有權的法律標的、集體決策者、治理文件、資金、管理及執法機制。任何一地的術語均不應直接代替另一地的術語，必須先檢驗其法律效果。

4.1

Comparison at a glance

比較概覽

ISSUE 議題	TAIWAN 臺灣	QUEENSLAND 昆士蘭
Legal architecture 法律架構	National Civil Code plus the Condominium Administration Act; local government administration. 以全國《民法》及《公寓大廈管理條例》為主，並由地方政府行政管理。	State-based BCCM Act, registered CMS and a selected regulation module. 以州級BCCM法、註冊CMS及選定規管模組構成。
Collective entity 集體組織	Management committee or management responsible person; owners' meeting remains central. 管理委員會或管理負責人；區分所有權人會議居核心地位。	Body corporate arises automatically and has legal capacity to act, contract, sue and be sued. 業主法人團體自動成立，具行事、訂約、起訴及被訴能力。
Common property 共有財產	Co-owned according to Civil Code and the building's division; use governed by law and bylaws. 依《民法》及建物區分共有；使用受法例及規約規管。	Vested in the body corporate as agent for owners; boundaries depend heavily on survey-plan format. 共有財產由業主法人團體代表業主持有；界線高度取決於測量圖則格式。
Rules 規則	Community bylaws and meeting resolutions. 規約及會議決議。	Recorded CMS by-laws, subject to statutory limits and reasonableness. 註冊CMS管理規約，受法定限制及合理性要求約束。
Funds 基金	Common fund; developer contributes at establishment under the Act. 公共基金；起造人須依法於成立時提撥。	Administrative and sinking funds supported by annual budgets and levies. 以年度預算及管理費維持行政基金與儲備基金。
Managers 管理人	Professional management organisations/ personnel are licensed and regulated. 專業管理公司及人員受許可與規管。	Body corporate managers are not presently required to hold a specific body corporate manager licence; letting work is separately licensed. 業主法人管理人目前毋須持有專門牌照；出租代理另受牌照規管。

ISSUE 議題	TAIWAN 臺灣	QUEENSLAND 昆士蘭
Disputes 爭議	Administrative enforcement and court proceedings, with local authority involvement. 行政執法與法院程序並行，地方主管機關可介入。	Self-resolution, specialist conciliation/adjudication and limited QCAT/court pathways. 先行自行協商，再由專門調解／裁決，部分事項進入QCAT或法院。

4.2

Creation and title

成立與產權

| TAIWAN 臺灣

Ownership is built from an exclusive part of the building, an associated share in common elements and the underlying land rights. The Condominium Administration Act regulates the community after division; Civil Code article 799 supplies the core divided-ownership concept.

所有權由建築物專有部分、共有部分應有部分及相關基地權利組成。《公寓大廈管理條例》規管區分所有後的社區；《民法》第799條提供區分所有的核心概念。

| QUEENSLAND 昆士蘭

A community titles scheme is established by registering the survey plan and CMS. The body corporate is created automatically and every lot owner becomes a member. Lot boundaries vary between building format, standard format and volumetric plans.

社區產權項目透過註冊測量圖則及CMS成立。業主法人團體自動成立，每名單元業主均成為成員。單元界線會因建築格式、標準格式或空間體積式圖則而異。

4.3

Foundational documents and governance

基本文件與治理

| TAIWAN 臺灣

The owners' meeting adopts bylaws, elects or appoints the management committee or responsible person and decides major community matters. Statutory voting rules include default thresholds and a reconvened-meeting mechanism.

區分所有權人會議制定規約、選任管理委員會或管理負責人，並決定社區重大事項。法例設有預設表決門檻及重新召集會議機制。

| QUEENSLAND 昆士蘭

The Act, module and CMS operate together. General meetings, committees and resolution classes allocate decision-making power. The body corporate and owners must act reasonably, and by-laws cannot override the Act.

法例、規管理模式及CMS共同運作。全體業主大會、委員會及不同決議類別分配決策權。業主法人團體及業主須合理行事，管理規約不得凌駕法例。

4.4

Developer transition and handover

開發商過渡與移交

| TAIWAN 臺灣

After the statutory threshold of registered ownership is reached, the developer must convene the first owners' meeting within the prescribed period. The Act also contains direct handover obligations for common facilities, documents and testing, with local-authority oversight.

達到法定登記所有權門檻後，起造人須在規定期間內召開首次區分所有權人會議。法例亦直接規定共有設施、文件及檢測的移交義務，並由地方主管機關監督。

| QUEENSLAND 昆士蘭

Under the Standard Module, the original owner calls the first annual general meeting (AGM) within two months after the earlier statutory trigger—generally when more than half the lots are transferred or six months passes after establishment. The original-owner control period carries disclosure, record and conflict safeguards.

依標準規管模組，原始業主須在較早法定觸發點後兩個月內召開首次年度全體業主大會；一般為超過半數單元已轉讓，或項目成立滿六個月。原始業主管制期另設披露、紀錄及利益衝突保障。

4.5

Money, maintenance and insurance

財務、維修與保險

| TAIWAN 臺灣

The developer must make an initial contribution to the common fund. Owners and the management organisation divide maintenance according to exclusive and common parts, subject to the Act, bylaws and defects. Insurance is less comprehensively prescribed within the condominium statute itself.

公共基金用於共同義務，起造人須作初始提撥。業主與管理組織依專有及共有部分、法例、規約及過失分配維修責任。

《公寓大廈管理條例》本身對整體保險的規定不及昆士蘭詳盡。

| QUEENSLAND 昆士蘭

Bodies corporate budget for an administrative fund and sinking fund; the Standard Module uses a forward capital-expenditure horizon. Maintenance boundaries depend on plan format and utility infrastructure. Building and public-risk insurance obligations are detailed and usually include full replacement cover for relevant buildings.

業主人團體須編製行政基金及儲備基金預算；標準規管模組採用前瞻性資本開支預測。維修界線取決於圖則格式及公用設施。建築物與公眾責任保險義務較為詳盡，相關大廈通常須按全額重置價值投保。

4.6

Managers, records and transparency

管理人、紀錄與透明度

TAIWAN 臺灣

Professional condominium management organisations and personnel are subject to statutory licensing and qualification controls. The committee must keep and provide specified records, including meeting, accounting and maintenance materials.

專業公寓大廈管理維護公司及人員受法定許可與資格管制。管理委員會須保存並提供指定紀錄，包括會議、會計及維修資料。

QUEENSLAND 昆士蘭

The body corporate must maintain extensive records and provide access on request and payment of the prescribed fee. A body corporate manager performs contracted administrative work but is not currently subject to a dedicated licensing regime. The authorised letting agent must hold the relevant property licence.

業主法人團體須保存廣泛紀錄，並在書面申請及繳付規定費用後提供查閱。業主法人管理人按契約提供行政服務，但目前沒有專門牌照制度；獲授權出租代理人則須持有相關地產牌照。

4.7

Rules, exclusive use and pets

規則、專用使用與寵物

TAIWAN 臺灣

Community bylaws regulate use of exclusive and common parts within statutory boundaries. Decisions concerning shared areas must respect co-ownership rights and the Act's mandatory provisions.

規約在法定範圍內規管專有及共有部分的使用。涉及共有區域的決定須尊重共有權及法例的強制規定。

QUEENSLAND 昆士蘭

Exclusive-use by-laws can allocate use of defined common property but do not transfer ownership. Since the 2024 reforms, a by-law cannot impose a blanket prohibition on keeping animals; requests must be considered under statutory standards and within prescribed timeframes.

專用使用管理規約可分配特定共有財產的使用權，但不轉移所有權。2024年改革後，管理規約不得全面禁止飼養動物；申請須按法定標準並在規定期限內審議。

4.8

Enforcement, disputes and redevelopment

執法、爭議與重建

TAIWAN 臺灣

Serious and repeated breaches can lead to statutory enforcement, administrative penalties and, in exceptional cases, court-ordered compulsory sale or removal. Redevelopment usually interacts with broader urban-renewal, dangerous-building and co-ownership laws.

嚴重或持續違規可引致法定執法、行政罰則；在特殊情況下，法院可命令強制出售或遷離。重建通常另涉及都市更新、危險建築及共有法律。

QUEENSLAND 昆士蘭

Most BCCM disputes move through self-resolution, conciliation and adjudication. The Act permits scheme termination by agreement and includes an economic-reasons process requiring a detailed termination plan and at least 75% support of all lot owners, subject to challenge safeguards.

大部分BCCM爭議依次經自行協商、調解及裁決處理。法例容許協議終止項目，亦設經濟原因終止程序，須有詳細終止計劃並獲全體單元業主至少75%支持，同時設有異議保障。

4.9

Practical assessment

實務評估

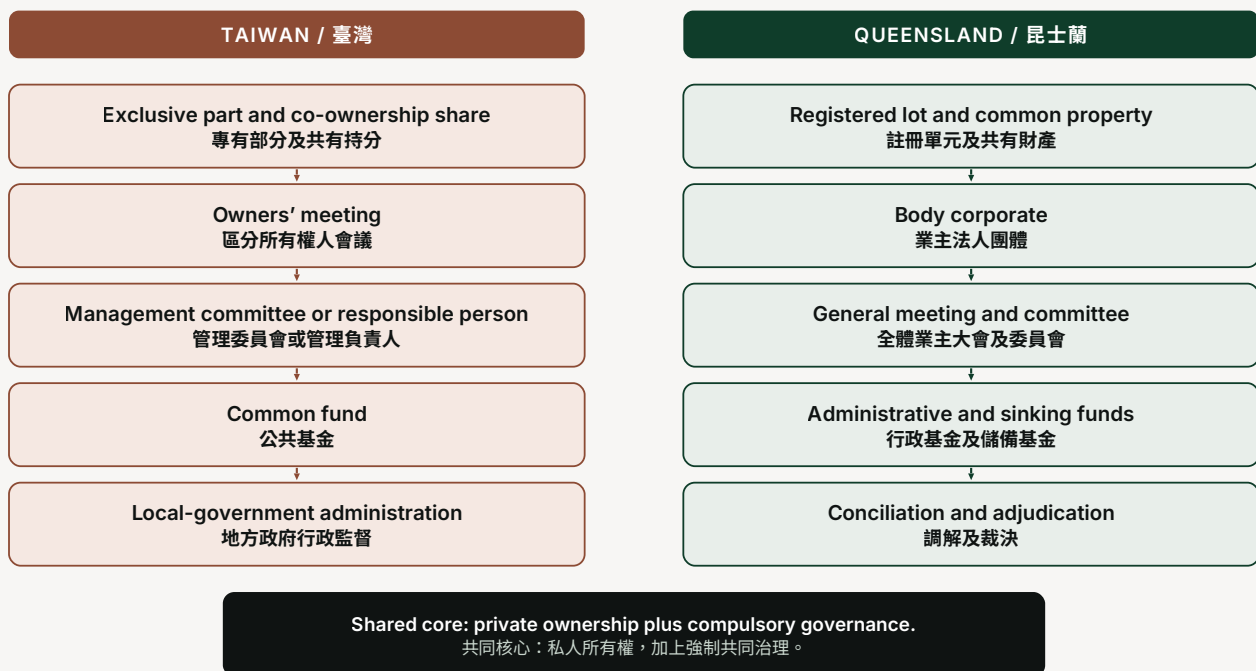
Queensland has a more elaborate registered-governance architecture: the CMS, regulation modules, detailed budgets and insurance rules, layered schemes, disclosure documents and specialist dispute resolution. Taiwan provides stronger direct statutory regulation of professional managers, an initial developer-funded common fund, express handover duties and a visible administrative-enforcement role.

昆士蘭具有較精細的註冊治理架構，包括CMS、規管模組、詳細預算與保險規則、分層級項目、披露文件及專門爭議處理。臺灣則在專業管理人規管、起造人初始提撥公共基金、明確移交義務及行政執法方面較為突出。

COMPARATIVE LESSON 比較啟示

A hybrid reform model could combine Queensland's title-and-governance backbone with Taiwan-style manager licensing, developer-funded initial reserves, supervised handover and administrative penalties.

混合改革模式可把昆士蘭的產權及治理骨架，與臺灣式管理人牌照、起造人初始儲備金、受監督移交及行政罰則結合。

FIG 7 Taiwan and Queensland governance architectures / 臺灣與昆士蘭的治理架構

4.10

Legal foundations and title structure

法律基礎與產權結構

Taiwan's condominium ownership rests on Civil Code co-ownership principles together with the Condominium Administration Act. An owner holds an exclusive part and an inseparable share in common elements and the underlying land. Queensland creates a community titles scheme through a registered survey plan and CMS under state land-title legislation and the BCCM Act.

Both systems combine exclusive ownership with compulsory common obligations, but the documentary expression differs. Queensland buyers must interpret plan format, lot boundaries, common property and CMS schedules. Taiwan buyers focus on the building registration, land share, exclusive and common parts, agreed exclusive-use or common-use areas, regulations and management records.

PRACTICAL CHECKLIST 實務清單

- Compare legal boundaries, not marketing floor areas.
- Identify inseparable common interests.
- 比較法定界線，而非銷售面積。
- 確認不可分離的共有權益。

臺灣的公寓大廈所有權以《民法》的共有原則及《公寓大廈管理條例》為基礎。區分所有權人持有專有部分，以及對共用部分與基地不可分離的應有部分。昆士蘭則依州級土地產權法例及BCCM法，透過註冊測量圖則及CMS成立社區產權項目。

兩地制度均把專有所有權與強制共同義務結合，但文件表達方式不同。昆士蘭買方須解讀圖則格式、單元界線、共有財產及CMS附表；臺灣買方則著重建物登記、基地持分、專有與共用部分、約定專用或約定共用部分、規約及管理紀錄。

- Review exclusive-use arrangements separately from ownership.
- Use local conveyancing terminology in each jurisdiction.
- 把專用使用安排與所有權分開審查。
- 在各司法管轄區使用當地產權交易術語。

PRACTICAL EFFECT 實務效果

A functional similarity does not make documents interchangeable. Each system must be read through its own registration law.

功能相似並不代表文件可互換；每套制度均須透過本身登記法理解。

4.11

Collective organisations and legal personality

集體組織與法律人格

In Queensland, all lot owners automatically comprise the body corporate. The body corporate has statutory capacity for scheme functions and continues despite ownership changes. In Taiwan, owners exercise collective authority through the unit owners' meeting, while day-to-day implementation is undertaken by a management committee or management responsible person.

The practical question in both systems is authority: who validly decided, who may sign, and what approval threshold applies? A committee chairperson or body corporate manager does not acquire unlimited power merely because that person conducts administration. Contracts and major works should be traced back to the governing statute, regulations or bylaws and the relevant meeting resolution.

在昆士蘭，所有單元業主自動組成業主人團體。該團體就項目職能具有法定能力，並不因業主更替而終止。在臺灣，區分所有權人透過區分所有權人會議行使集體權力，日常執行則由管理委員會或管理負責人承擔。

兩地實務核心均是權限：由誰有效決定、誰可簽署，以及適用何種批准門檻。管理委員會主任委員或業主人管理人不會因負責行政而取得無限權力。契約及重大工程應追溯至管治法例、規約或管理規約，以及相關會議決議。

PRACTICAL CHECKLIST 實務清單

- Verify the current office holders.
- Obtain the actual resolution authorising the transaction.
- Check signing and seal requirements.
- Distinguish representation from decision-making power.
- 核實現任職務人員。
- 取得批准交易的實際決議。
- 查核簽署及用印要求。
- 區分代表權與決策權。

PRACTICAL EFFECT 實務效果

Administrative convenience cannot cure an absence of legal authority.

行政便利不能補救欠缺法律授權的問題。

4.12

Meetings, voting and delegated decisions

會議、表決與授權決策

Queensland's BCCM system divides decisions between the body corporate in general meeting and the committee, using resolution categories and procedural rules in the applicable module. Taiwan places central importance on the unit owners' meeting, with the management committee implementing resolutions and carrying out responsibilities allocated by statute and the condominium regulations.

For cross-border readers, labels such as "ordinary resolution," "special resolution," quorum and entitlement should never be translated into assumed equivalents without checking the legal threshold. The relevant questions include notice, agenda disclosure, eligibility to vote, proxies or representatives, conflicts, required majorities and whether the decision must be recorded or registered.

昆士蘭BCCM制度按適用規管模組，把決策分配予全體大會及委員會，並採用不同決議類別及程序規則。臺灣則以區分所有權人會議為核心，由管理委員會執行決議及履行法例與規約分配的職責。

對跨境讀者而言，「普通決議」、「特別決議」、法定人數及權益等詞語，不可在未查核法律門檻前直接視為對等概念。須查明通知、議程披露、投票資格、代理或代表、利益衝突、所需多數，以及決定是否須記錄或登記。

PRACTICAL CHECKLIST 實務清單

- Classify the decision before choosing the procedure.
- Check notice and explanatory-material requirements.
- Verify voter eligibility and representation.
- Preserve minutes and voting evidence.
- 選擇程序前先界定決策類別。
- 查核通知及說明資料要求。
- 核實投票資格及代表權。
- 留存會議紀錄及投票證據。

PRACTICAL EFFECT 實務效果

A commercially sensible decision can still be invalid if the wrong decision-maker or voting process was used.

即使決定在商業上合理，如由錯誤決策者或透過錯誤投票程序作出，仍可能無效。

4.13

Funds, levies and capital planning

基金、管理費與資本規劃

Taiwan's Act requires a common fund and contemplates contributions from the developer and owners, with management and disclosure responsibilities. Queensland modules generally require administrative and sinking funds, annual budgets and owner contributions calculated by reference to the relevant lot-entitlement schedule, subject to statutory allocation rules.

The systems differ in prescriptiveness and terminology, but both confront the same economic risk: current owners may underfund assets whose replacement cost falls on future owners. A purchaser should compare cash on hand, recurring income, arrears, forecast capital work, insurance excesses and contractual commitments. A low levy can indicate efficiency, inadequate scope or deferred maintenance.

臺灣《公寓大廈管理條例》要求設置公共基金，並規定起造人及區分所有權人的資金來源，以及管理與公告責任。昆士蘭規管模組一般要求設置行政基金及儲備基金、編製年度預算，並按相關單元權益表及法定分攤規則向業主徵收款項。

兩地制度在規管細緻程度及術語上不同，但面對相同經濟風險：現任業主可能不足額撥備，令資產更換成本落在未來業主身上。買方應比較現金、經常收入、欠款、預測資本工程、保險自負額及契約承擔。低管理費可能代表效率高、服務範圍小，亦可能代表維修被延後。

PRACTICAL CHECKLIST 實務清單

- Compare fund balances with a condition-based capital forecast.
- Identify arrears and collection effectiveness.
- Review special levies approved or foreshadowed.
- Normalise one-off income and expenditure.
- 把基金結餘與按狀況編製的資本預測比較。
- 確認欠款及追收成效。
- 審閱已批准或已預示的特別管理費。
- 把一次性收入及支出正常化處理。

PRACTICAL EFFECT 實務效果

The balance sheet alone does not show whether the community is adequately funded.

資產負債表本身不能證明社區資金是否充足。

4.14

Maintenance and insurance allocation

維修與保險責任分配

Queensland maintenance responsibility depends heavily on the registered plan format, lot boundaries, common property and utility infrastructure, with detailed module provisions. Body corporate building insurance can cover relevant buildings while owners still need contents, landlord and other personal policies. Taiwan relies on the distinction between exclusive and common parts, the Act, regulations and fault-based responsibility.

昆士蘭的維修責任高度取決於註冊圖則格式、單元界線、共有財產及公用設施，並受規管模組詳細條文規定。業主法人團體的建築保險可涵蓋相關建築，但業主仍須安排家居財物、出租業主及其他個人保險。臺灣則依專有與共用部分的區分、法例、規約及歸責原則分配責任。

A cross-border owner should not assume that the committee repairs everything outside the apartment or that body corporate insurance covers internal contents and rent loss. Water ingress illustrates the need to separate the failed component, ownership boundary, maintenance duty, causation, insurance response and consequential damage. Several parties may be involved without having identical liability.

PRACTICAL CHECKLIST 實務清單

- Start with the title boundary and physical cause.
- Separate maintenance responsibility from insurance cover.
- Notify all potentially responsive insurers promptly.
- Preserve expert reports, photographs and access records.
- 先確認產權界線及實體成因。
- 把維修責任與保險保障分開。
- 及時通知所有可能承保的保險人。
- 保存專家報告、照片及進場紀錄。

PRACTICAL EFFECT 實務效果

Insurance pays according to policy terms; it does not rewrite the statutory maintenance boundary.

保險按保單條款賠付，不會改寫法定維修界線。

4.15

Managers, records and professional regulation

管理人、紀錄與專業規管

Taiwan regulates condominium management service organisations and personnel through a professional qualification framework. Queensland distinguishes body corporate managers, service contractors, care-taking service contractors and authorised letting agents. A dedicated body corporate-manager licence is not presently the centre of the Queensland model, although contractual duties and statutory codes apply.

Records are equally important. Queensland bodies corporate keep statutory records and provide access subject to process and fees. Taiwan management organisations must preserve and disclose specified management and financial materials. In both places, a buyer should go beyond summary certificates where risk justifies it and inspect primary records for decisions, disputes, contracts and arrears.

PRACTICAL CHECKLIST 實務清單

- Confirm the manager's legal role and client.
- 確認管理人的法律角色及客戶。

跨境業主不應假設公寓外的一切均由管理組織維修，亦不應假設業主人團體保險涵蓋室內財物及租金損失。滲水問題顯示必須分開分析失效構件、所有權界線、維修義務、因果關係、保險保障及後續損害。多方可能同時涉及，但責任並不相同。

臺灣透過專業資格制度規管公寓大廈管理維護公司及人員。昆士蘭則區分業主法人管理人、服務承包商、管理維護服務承包商及獲授權出租代理人。昆士蘭制度目前並非以專門業主法人管理人牌照為核心，但契約責任及法定行為守則仍然適用。

紀錄在兩地同樣重要。昆士蘭業主法人團體須保存法定紀錄，並按程序及收費提供查閱；臺灣管理組織亦須保存及公開指定管理與財務資料。在兩地，如風險值得進一步調查，買方均不應只依賴摘要證明，而應審閱有關決策、爭議、契約及欠款的原始紀錄。

- Inspect the written appointment and delegated powers.
- Search source records rather than relying on verbal summaries.
- Review conflicts, commissions and related-party dealings.
- 審閱書面委任及授權權力。
- 查閱原始紀錄，不只依賴口頭摘要。
- 審閱利益衝突、佣金及關聯交易。

PRACTICAL EFFECT 實務效果

A professional manager supports governance but does not replace the owners' decision-making institution.

專業管理人支援治理，但不會取代業主的決策機構。

4.16

Rules, pets and exclusive-use arrangements

規則、寵物與專用使用安排

Queensland by-laws recorded with the CMS regulate the use and enjoyment of lots and common property but remain subject to statutory limits and reasonableness requirements. Exclusive-use by-laws can allocate use of defined common property without transferring ownership. Taiwan condominium regulations and owners' meeting resolutions operate within the mandatory provisions of the Act and Civil Code.

Pet regulation demonstrates the difference between a request process and an absolute prohibition. Queensland reforms restrict blanket prohibitions, but an owner should still follow the scheme's application process and reasonable conditions. Parking, balconies, storage and signage likewise require the owner to distinguish title ownership, exclusive use, licence and mere informal tolerance.

昆士蘭隨CMS註冊的管理規約規管單元及共有財產的使用與享用，但仍受法定限制及合理性要求約束。專用使用管理規約可把指定共有財產的使用權分配予特定業主，卻不轉移所有權。臺灣公寓大廈規約及區分所有權人會議決議，則在《公寓大廈管理條例》及《民法》強制規定範圍內運作。

寵物規管顯示申請程序與絕對禁止之間的差異。昆士蘭改革限制全面禁養，但業主仍應遵守項目的申請程序及合理條件。泊車位、露台、儲物區及標誌亦同樣要求業主區分產權所有、專用使用、許可及單純非正式容忍。

PRACTICAL CHECKLIST 實務清單

- Obtain the consolidated current rules.
- Check whether the rule is valid and reasonably applied.
- Locate the plan defining any exclusive-use area.
- Record approvals and conditions in writing.
- 取得整合後的現行規則。
- 查核規則是否有效及合理執行。
- 找出界定任何專用使用區域的圖則。
- 以書面記錄批准及條件。

PRACTICAL EFFECT 實務效果

Use rights can be commercially valuable even when they are not ownership. Their legal source must be documented.

即使使用權並非所有權，仍可能具有商業價值；其法律來源必須有文件證明。

4.17

Disputes, handover and redevelopment

爭議、交接與重建

Queensland provides specialist conciliation and adjudication for many body corporate disputes, with QCAT or courts relevant in defined matters. Taiwan combines owners' self-governance with administrative enforcement and ordinary court processes. The available remedy depends on the issue, parties, statutory pathway and urgency.

Developer handover and ageing-building redevelopment expose structural differences. Taiwan's Act contains specific handover responsibilities and a developer-funded initial common fund. Queensland uses original-owner obligations, disclosure, meetings, records and the scheme's funds, and now includes an economic-reasons termination pathway subject to detailed safeguards.

昆士蘭就不少業主法人團體爭議提供專門調解及裁決程序，特定事項則可涉及QCAT或法院。臺灣把業主自治、行政執法及一般法院程序結合。可採用的補救取決於爭議事項、當事人、法定途徑及緊急程度。

開發商交接及老舊大廈重建突顯兩地結構差異。臺灣法例訂有特定交接責任及由起造人提列的初始公共基金；昆士蘭則透過原始業主義務、披露、會議、紀錄及項目基金運作，並新增受詳細保障約束的經濟原因終止途徑。

PRACTICAL CHECKLIST 實務清單

- Attempt required internal resolution before formal filing.
- Identify limitation periods and urgent interim relief.
- Preserve developer handover evidence.
- For redevelopment, analyse title, planning, finance and dissenting-owner protections together.
- 正式申請前先完成所需內部解決程序。
- 確認時效及緊急臨時救濟。
- 保存開發商交接證據。
- 重建時一併分析產權、規劃、融資及異議業主保障。

PRACTICAL EFFECT 實務效果

The best dispute strategy begins with jurisdiction and remedy, not merely with who appears morally right.

最佳爭議策略應先確定管轄權及可得救濟，而不是只判斷哪一方在道德上看似正確。

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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