

Friday, 29 May 2015

## Weekly Construction Law Review A Daily Bulletin listing Decisions of Superior Courts of Australia

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### Executive Summary (1 minute read)

**MJ Arthurs Pty Ltd v Portfolio Housing Pty Ltd** (QCA) - construction contract - time at which entitlement to profit share under oral agreement arose - appeal allowed (I B C)

### Summaries With Link (Five Minute Read)

**MJ Arthurs Pty Ltd v Portfolio Housing Pty Ltd [2015] QCA 86**

Court of Appeal of Queensland

Gotterson and Philippides JJA & A Lyons J

Construction contract - appellants appealed against finding by primary judge as to time at which respondents' entitlement to profit share arose under oral agreement between them and appellants - appellants contended entitlement arose in respect of any given construction contract only when contract completed and actual profit could be ascertained - respondents contended entitlement arose when all administration work necessary for procuring it was completed by first respondent's director - held: primary judge erred in finding respondents' entitlement to profit share on construction contract arose when first respondent presented it for execution - in order to derive entitlement respondents required to perform tasks and responsibilities after presentation of construction contract for execution and up to point of completion - appeal allowed.

[MJArthurs](#) (I B C)

[From Benchmark Friday, 22 May 2015]



# Benchmark

## **On Virtue**

By Phillis Wheatley

O thou bright jewel in my aim I strive  
To comprehend thee. Thine own words declare  
Wisdom is higher than a fool can reach.  
I cease to wonder, and no more attempt  
Thine height t'explore, or fathom thy profound.  
But, O my soul, sink not into despair,  
Virtue is near thee, and with gentle hand  
Would now embrace thee, hovers o'er thine head.  
Fain would the heaven-born soul with her converse,  
Then seek, then court her for her promised bliss.

Auspicious queen, thine heavenly pinions spread,  
And lead celestial Chastity along;  
Lo! now her sacred retinue descends,  
Arrayed in glory from the orbs above.  
Attend me, Virtue, thro' my youthful years!  
O leave me not to the false joys of time!  
But guide my steps to endless life and bliss.  
Greatness, or Goodness, say what I shall call thee,  
To give an higher appellation still,  
Teach me a better strain, a nobler lay,  
O Thou, enthroned with Cherubs in the realms of day!

[Phillis Wheatley](#)

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