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## **Fabtech Adjudication Decision – Supreme Court Proceedings**

E&A Limited (ASX:EAL) advises that their wholly owned subsidiary Fabtech Australia Pty Ltd (“Fabtech Australia”) has received notice that Laing O’Rourke has filed and served an Originating Application seeking a declaration that the Adjudication Decision made in favour of Fabtech Australia be dismissed on jurisdictional grounds in Supreme Court of Queensland Proceedings No. 9609/2015.

The Adjudication Decision relates to a claim made by Fabtech Australia under the Building and Construction Industry Payments Act, 2004 QLD (the “Act”) for dam construction work performed by Fabtech Australia at the QGC Northern Water Treatment Plant which forms part of the construction works for the QCLNG Coal Seam Gas Mining works.

Laing O’Rourke contends that the Adjudicator was incorrect in establishing that the Fabtech works were for the purpose of construction of a dam and/or construction work in mining and therefore entitled to an exemption from holding a building licence. Laing O’Rourke argues that Fabtech Australia should not be entitled to the exemptions afforded by the Queensland Building and Construction Commission (“QBCC”) Regulations and therefore should not be entitled to raise a claim under the Act as it does not have a Queensland building licence.

The matters raised by Laing O’Rourke were considered in detail by the Adjudicator in reaching the Adjudication Decision and Fabtech Australia strongly assert its entitlement to the Adjudicated Amount and is right to claim.

Laing O’Rourke has paid in to the court \$4,274,626.98 being the amount of the Adjudication Decision plus accrued interest to 16 November 2015 (the date of the hearing) plus Laing O’Rourke’s share of the Adjudicator’s fees (75%). Fabtech Australia will seek an order for payment immediately following any dismissal of the Originating Application.

The matter is listed for a 2 day hearing on 16 and 17 November 2015.

Fabtech Australia has put Laing O'Rourke on notice for its costs.

For further information:

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