



[Fortescue seeks to suppress 600-page document detailing spying on ex-staff](#)

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Highlight: Billionaire Andrew Forrest's **Fortescue** spied on three former employees and their families over allegations of stolen intellectual property, a court has heard.

Body

Billionaire Andrew Forrest's company **Fortescue** is fighting to suppress a 600-page private investigator report, which details its extensive spying on ex-staff and their extended family members, in a court case that alleges stolen intellectual property.

The court heard that **Fortescue** conducted 19 days of surveillance on three former employees, their wives, children and other family members. The spying included sifting through their personal mail, following some family members and partners to Kmart, trailing a former employee to the airport and also spying on his wife and child at their family home.

[Link to Image](#)

Alex Ellinghausen

Justice Brigitte Markovic is presiding over the case before the Federal Court in which **Fortescue** has taken legal action against three former employees: Michael Masterman, Bart Kolodziejczyk and Bjorn Winther-Jensen.

It has accused the men of copying and taking the company's intellectual property when they left to start a rival green iron project, called Element Zero.

A hearing on Wednesday was called to discuss the reasons for the suppression of the report. Markovic told **Fortescue**'s legal team that its suppression request in relation to some material was an "ambit claim", while the request from Element Zero to release the report with redactions of selective information, such as residential address and photographs of minors, was "more nuanced".

"There's a real issue about how much of this material is confidential." Markovic said.

She noted that she had been "littered with applications for confidentiality and suppression orders" regarding the case, where there has been a large amount of interest from third parties requesting documents.

In a statement after the court proceedings, Andrew Forrest, **Fortescue**'s executive chairman, said protecting the company's intellectual property was critical to its success.

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"I was surprised to learn of the investigations and have been advised by **Fortescue**'s legal team that they were necessary in order to be granted search orders from the Federal Court," Forrest said.

"**Fortescue**'s external legal team have been reminded that they also have an obligation to comply with the company's values and their engagement is now under review."

The ex-staff members accused of intellectual property theft have denied the allegations.

Masterman, who is Element Zero's chief executive, has called **Fortescue**'s claims "spurious" and said that their "green metals technology was developed independently of, and is very different from, anything that **Fortescue** is doing or has done in this space".

[**Fortescue secured court orders**](#) to raid the offices and homes of two of the men from mid-May. An independent lawyer was present, and a computer expert was allowed to search and copy any electronic devices, including family members' computers, while also being required to hand over all passwords and passcodes.

A summary of the private investigator's report, already released by the court, included photographs and Google Maps images of Kolodziejczyk and Winther-Jensen's private residences, floor plans, and also photographs of their wives and family members, including children.

Kolodziejczyk is a co-founder and chief technology officer of Element Zero. Winther-Jensen departed Element Zero in January.

Element Zero was formed by Kolodziejczyk and Masterman at the end of 2022. Masterman has had a long career in the energy industry, including as **Fortescue** Future Industries' chief financial officer.

Element Zero said it wanted to reduce the carbon footprint of iron ore, Australia's most lucrative export industry. It has patented a technology that aims to convert metal ores to metals, not only iron ore, with zero carbon emissions.

Fortescue has said it would "vigorously" defend its intellectual property in the development of cutting-edge solutions to decarbonise its Australian iron ore operations by the end of the decade.

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Graphic

Billionaire Andrew Forrest's **Fortescue** hired private investigators to spy on ex-staff, including following family members and their children.

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