



Forrest 'surprised to learn of the investigations'

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Body

The fact that Andrew Forrest threw his own lawyers under a bus on Wednesday suggests that even the **Fortescue** founder has worked out that setting detectives to follow around the wives and kids of business rivals is a bad look.

Forrest denied knowledge of the actions of the law firm his company hired to prosecute its argument that its former executives - former chief scientist Bart Kolodziejczyk, Bjorn Winther-Jensen, and long-term lieutenant Michael Masterman - took proprietary work with them when they left the company and eventually set up a rival green iron business.

"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," he 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." That may well be the case. But here's the problem: law firms act under instruction.

Somebody at **Fortescue** instructed Davies Collison Cave Law to pursue the three men in the way that happened - or, at the very least, authorised the steps taken.

Those, as a quick reminder, include: pictures of a teenager leaving school, following a family on a shopping trip to Kmart, grubbing through their mail - and, given **Fortescue** is still trying to keep the actions of its spies secret, probably a fair bit worse that is not yet in the public domain.

If **Fortescue** employees weren't overseeing the behaviour of their contractors, they should have been. Forrest's disavowal of knowledge of their actions will only have meaning if there are internal consequences for those that authorised them.

Or, at the very least, a public apology to the families whose privacy has been violated. Until the court case is done, we will not know whether **Fortescue**'s underlying complaint is a reasonable one, and it would be foolish to prejudge the outcome of the court case.

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But the fact remains that the damage has been done. Start-up tech companies rely on investors to get them through early stages of their commercialisation process. Any sniff that the intellectual property they are developing could be challenged in court would scare off investors - a potentially fatal problem for a nascent business. Even if dropped tomorrow, **Fortescue**'s legal action has already irreparably damaged the reputation of its former employees and their business. Justice should be done in public. The fact that **Fortescue** is still trying to keep its actions secret - so far helped by the court - makes it difficult to see how that pillar of the Western judicial process can be upheld in the face of this case.

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