



Fortescue Pls followed former exec families to childcare centres

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Byline: Nick Evans

Body

Andrew Forrest's **Fortescue** directly instructed private investigators that followed the families of former employees to schools and child care centres and rummaged through their mail, despite the **Fortescue** founder's attempts to distance himself from the scandal.

Documents released by the Federal Court late on Friday show that **Fortescue** employees oversaw the surveillance of three former employees the company has accused of stealing the iron ore giant's intellectual property, not the external lawyers hired to handle the case, Davies Collison Cave.

The surveillance was conducted to help **Fortescue** win search orders over the offices of green energy competitor Element Zero, amid allegations three former **Fortescue** executives - including long-term Forrest lieutenant Michael Masterman - took proprietary information with them when they left the company.

As part of the original authorisation, the homes of two other former employees - Bart Kolodziejczyk and Bjorn Winther-Jensen - were searched by lawyers acting for **Fortescue**.

When evidence came to light about the behaviour of the investigation firm - which included spying on family shopping trips to Kmart, rummaging through mail and watching the wives and children of former executives for 19 days - Dr Forrest distanced himself from the actions of the private investigators, and threatened to review the contract of Davies Collison Cave.

"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," Dr Forrest said at the time.

"**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," he said. But an affidavit of DCC senior lawyer Paul Dewar, released on Friday, shows that **Fortescue** engaged and directly instructed Lancaster Investigations in their surveillance of the three men and their families.

Fortescue PIs followed former exec families to childcare centres

"**Fortescue** engaged a private investigator firm, Lancasters Investigations, with the aim of establishing the identity and location of each of the respondents to the search order application," says Mr Dewar's affidavit.

"Since 21 April 2024, except in relation to the days of Sunday 5 May and Monday 6 May 2024, **Fortescue** has received reports from Lancasters Investigations regarding each of the Respondents to the Search Order Application, including their location." The Australian does not suggest Dr Forrest was aware of the actions of Lancaster Investigations, and Dr Forrest has previously denied that he or any member of the board were aware of the extent of the covert surveillance.

Dr Forrest has told other media outlets that **Fortescue** chief legal counsel Phil McKeiver had offered to resign over the company's role in the surveillance excess, but that the offer had been refused by joint chief executives Dino Otranto and Mark Hutchinson.

"No board member knew about the private investigator and a very enthusiastic group general counsel and company secretary wanted to demonstrate that you cannot steal technology and then eliminate that technology that the company produced on the way out," Dr Forrest is quoted as saying.

Investigators who followed Mr Masterman used covert cameras to take pictures of the Element Zero director outside restaurants and ahead of his attendance at meetings. Dr Kolodziejczyk was followed to cafes and restaurants, photographed with his wife and young child - and even followed to a childcare centre.

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