



Fortescue hired PIs to spy on ex-staff

The Australian

July 4, 2024 Thursday

Australian Edition

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Section: MARKETWATCH; Pg. 20

Length: 577 words

Byline: Angelica Snowden, Nick Evans

Body

Andrew Forrest's **Fortescue** paid private investigators to spy on former executives and their families for weeks ahead of launching raids on private homes and -offices amid allegations of intellectual property thefts.

The Federal Court on Wednesday released previously suppressed documents in a court case, in which **Fortescue** alleges three of its former executives - Bart Kolodziejczyk, Bjorn Winther-Jensen, and long-term Forrest lieutenant Michael Master-man - took its green iron technology with them when they left and used it to form their own company, Element Zero. The three deny the allegations and say Element Zero's technology was developed independently of the work they under-took at **Fortescue**, and "is very different from anything **Fortescue** is doing or has done in this space".

The documents released on Wednesday show private detectives hired by **Fortescue** followed Dr Kolodziejczyk and Dr Winther-Jensen for weeks before the Federal Court issued orders authorising raids on their properties, including watching Dr Kolod-ziejczyk's family when the former **Fortescue** chief scientist was away on a business trip.

A report provided to independent lawyers that carried out the raids - as is required under Federal Court rules that authorise privately obtained search warrants - said **Fortescue**'s investigators lost track of Dr Kolod-ziejczyk when he flew out of Melbourne in early May.

"Dr Kolodziejczyk's whereabouts have been unknown since Saturday, 4 May, 2024," the report said. "In the meantime, surveillance continues at the Victoria residence, where Dr Kolodziejczyk's wife and child are permanently residing." There are also Google Maps images of Dr Kolodziejczyk's property in Victoria and floor plans contained in the report.

"The private investigator noted that there appeared to be a home office set up within the ... Victoria residence in the room to the right-hand side of the front entry door," the report said.

The dossier includes photographs of Dr Kolodziejczyk's wife and five-year old daughter and surveillance shots of Dr Winther-Jensen's wife and 16-year-old daughter who, the report noted, had been watched as she left for school and returned home on one day. "The private investigator has observed Dr Winther-Jensen at and around his residence

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(in Scarborough, just north of Perth). (He) does not appear to be working and has been observed conducting everyday activities such as watering plants, attending the gym, and going shopping," it said.

Further pictures included in the report were taken on April 22, showing the interior of Element Zero's "principal place of business" in Malaga, WA.

The former **Fortescue** executives are trying to have the iron ore giant's case thrown out of court for "egregious material non-disclosures" when **Fortescue** won legal permission to launch raids on their homes and offices.

Appearing for Element Zero, John Hennessy SC told the court the original orders were won on the basis of "the weakest of weak prima facie cases" and the case was causing ongoing reputation damage to all three men and their business. "We say the order was improperly obtained, off on the back of what was egregious material non-disclosure, and so we don't want it to continue any longer than it must out there in the marketplace," he said.

Further documents show specialist forensic cyber business Cyter was engaged to assist in carrying out the raids. Mr Kolodziejczyk, Mr Winther-Jensen and **Fortescue** have been contacted for comment.

Load-Date: July 3, 2024

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