



Fortescue says report led to spying; Green metals

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Byline: Brad Thompson

Body

An investigation by **Fortescue** into former employees - which has left the iron ore miner embroiled in a row over private investigators photographing children and tailing family members to Kmart - was sparked by a report in The Australian Financial Review.

Documents released by the Federal Court, filed by **Fortescue** as part of its dispute with Element Zero, show the company did not start investigating workers who left to start the green metals group until publication of an interview in the Financial Review in January.

Those investigations eventually led to 19 days of surveillance by private investigators of the homes and families of former **Fortescue** employees Michael Masterman, Bart Kolodziejczyk and Bjorn Winther-Jensen.

Fortescue executive chairman Andrew Forrest earlier this week distanced himself from the spying, saying legal teams had kept him in the dark.

Separate documents filed by lawyers acting for Element Zero and released by the court on Friday accuse **Fortescue** of omitting key information in submissions that resulted in it gaining search and seizure orders covering family homes and business premises.

The **Fortescue** document released by the court says Dr Kolodziejczyk and Mr Masterman participated in an interview which "launched the public profile of Element Zero".

Fortescue referred to a quote from Dr Kolodziejczyk that read: "Everything we do was developed after **Fortescue** and doesn't bring anything from **Fortescue**."

"Dr Kolodziejczyk also told The AFR that the idea to pursue Element Zero's electroreduction method had not previously occurred to him: 'You actually had to step out of **Fortescue** to brainstorm, ideate and develop a pathway'," the filings read.

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"With these statements, The AFR article set in train a line of inquiry at **Fortescue**, which involved reviewing the projects that Dr Kolodziejczyk and Dr Winther-Jensen had been working on, and investigating their **Fortescue** email inboxes, group SharePoint folder, and two laptops, on suspicion of IP leakage."

Mr Masterman worked for **Fortescue** and Dr Forrest for about 25 years and, along with former **Fortescue** chief scientist Dr Kolodziejczyk, was part of a group that travelled the world with the billionaire businessman in 2020 on a hunt for green energy projects.

Dr Winther-Jensen also worked for **Fortescue**. Element Zero and the former **Fortescue** employees reject the allegations of intellectual property theft and counter that the Element Zero technology was developed independently and is very different from anything **Fortescue** has done.

Material seized from raids on the homes of Mr Masterman, Dr Kolodziejczyk and Dr Winther-Jensen is being held by independent lawyers.

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