



## [Andrew Forrest's Fortescue spied on former staff and their families](#)

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**Highlight:** The billionaire mining magnate's company hired private investigators amid allegations of stolen intellectual property.

### **Body**

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Billionaire Andrew Forrest's company **Fortescue** hired private investigators to spy on former staff and their family members, including children, for weeks before raids took place on their homes and offices, amid allegations of stolen intellectual property.

**Fortescue** has taken legal action in the Federal Court against three former employees: Michael Masterman, Bart Kolodziejczyk and also 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.

[Link to Image](#)

Alex Ellinghausen

The men 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 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.

Documents released by the Federal Court late on Wednesday, which were previously suppressed, revealed that a psychologist was required to attend if a child was present during the raids.

In the weeks before those raids, which stretched from Victoria to Western Australia, private investigators were hired to spy on and trail Kolodziejczyk and also Winther-Jensen, and provide a report to independent lawyers. The lawyers required that report before a search warrant from the Federal Court could be obtained.

The extent of that spying in the investigator's report included photographs and Google Maps images of both men's private residences, floor plans, and also photographs of their wives and children.

Kolodziejczyk, a former hydrogen specialist at **Fortescue** Future Industries, who lives in Melbourne with his wife and five-year-old child, travels frequently to Perth, where Element Zero is headquartered.

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Private investigators reported observing him at home with his family, noting where his home office was, and followed him on one occasion to Melbourne airport when he departed on a business trip.

The investigators, unable to ascertain Kolodziejczyk's destination, deployed a team to pick up the trail at Perth airport, expecting that was where Kolodziejczyk was headed. They were wrong.

While Kolodziejczyk was away on that trip the investigators continued to spy on his family. "In the meantime, surveillance continues at the Hadfield, Victoria residence, where Dr Kolodziejczyk's wife and child are permanently residing," investigators noted.

Kolodziejczyk is a co-founder and chief technology officer of Element Zero.

Winther-Jensen, who ceased being a director at Element Zero in January, was observed by investigators going to the gym, shopping and watering plants. There were also photographs of his wife and 16-year-old daughter in the investigator's reports, as well as records of when his daughter left and arrived home from school.

Winther-Jensen continues to work with Kolodziejczyk and Masterman at another company.

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 wants 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** 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.

"As a first mover, our intellectual property is critical to our ongoing success in this pursuit and must be protected at all times," a **Fortescue** spokesperson said.

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## Graphic

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Andrew Forrest's **Fortescue** has taken legal action in the Federal Court against three former employees.

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