NOTICE OF FILING

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Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 59
Rule 29.02(1)

Affidavit

No. NSD 527 of 2024

Federal Court of Australia
District Registry: New South Wales
Division:

Fortescue Limited (ACN 002 594 872) and Ors

Applicants

Element Zero Pty Limited (ACN 664 342 081) and Ors

Respondents

Affidavit of: **Paul Alexander Dewar**
Address: Level 4, 7 Macquarie Place, Sydney, NSW 2000
Occupation: Lawyer
Date: 1 May 2024

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Filed on behalf of (name & role of party) Fortescue Limited and others, the Applicants
Prepared by (name of person/lawyer) Paul Alexander Dewar, Principal Lawyer
Law firm (if applicable) Davies Collison Cave Law
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3.	Annexure "PAD-2", being a copy of the private investigator reports between 21 to 28 April 2024	32	38
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6.	Annexure "PAD-5", being a briefing note to be sent to Adrian Chai on 26 April 2024.	42	305

I, Paul Alexander Dewar, of Level 4, 7 Macquarie Place, Sydney in the State of New South Wales, Lawyer, affirm:

A. Background

1. I am a principal of the firm Davies Collison Cave Law (**DCCL**) of Level 4, 7 Macquarie Place, Sydney, in the State of New South Wales and have the care, conduct and control of this proceeding on behalf of the Applicants.

2. I have over 25 years of experience in the conduct of commercial litigation, including over 15 years of experience in the conduct of patent litigation. I have been a partner of Davies Collison Cave and subsequently a principal of Davies Collison Cave Law for more than 10 years.

3. I am authorised to make this affidavit of behalf of the Applicants. The statements that I make in this affidavit are based on my own personal knowledge and belief, unless I expressly state otherwise. Where I make statements based on information and belief, I state as much and identify the source of that information.

4. I make this affidavit in support of the Applicants' application dated 1 May 2024 for a search order under rule 7.42 of the *Federal Court Rules 2011* (Cth) (**FCR**) against the First Respondent, Second Respondent and Third Respondent, identified below (**Search Order**).

5. I am not instructed, and do not intend in this affidavit, to waive privilege on behalf of the

Applicants, nor do I have the authority to do so.

B. Applicants

6. The Applicants are the:

   (a) First Applicant, Fortescue Ltd (ACN 002 594 872);

   (b) Second Applicant, Fortescue Future Industries (ACN 625 711 373) (**FFI**); and

   (c) Third Applicant, FMG Personnel Services Pty Ltd (ACN 159 057 646) (**FMGPS**).

   (together, the **Applicants** or **Fortescue**).

C. Respondents

7. The Respondents are the:

   (a) First Respondent, Element Zero Pty Limited (ACN 664 342 081) (**Element Zero**);

   (b) Second Respondent, Dr Bartlomiej Piotr Kolodziejczyk;

   (c) Third Respondent, Dr Bjorn Winther-Jensen; and

   (d) Fourth Respondent, Mr Michael George Masterman.

8. The Search Order is not sought in respect of the Fourth Respondent.

9. Further information regarding the Respondents and their relationship with one another is set out in Part C of the affidavit of Adrian Huber dated 1 May 2024 (**Huber Affidavit**). Part E of the Huber affidavit sets out the circumstances of the Dr Kolodziejczyk's and Dr Bjorn Winther-Jensen's departure from Fortescue.

D. Prima face case on accrued causes of action

10. The Search Order application is brought by the Applicants on the basis that the following causes of action that have accrued against the Respondents, as set out in the Statement of Claim:

    (a) breach of confidence;

    (b) breach of contract;

    (c) copyright infringement;

    (d) contraventions of the Australian Consumer Law;

    (e) breach of duties under the general law and the ***Corporations Act*** 2001 (Cth).

D.1 Breach of confidence and breach of contract

11. Fortescue's evidence setting out the matters relevant to the beach of confidence and breach of contract causes of action can be found in the affidavits of Adrian Huber, Susanne Monica Hantos, Wayne McFaull, and Anand Indravadan Bhatt (each dated 1 May 2024).

12. Evidence regarding the confidential nature of the relevant information is set out in:

    (a) Part I of the affidavit of Anand Indravadan Bhatt dated 1 May 2024 (**Bhatt Affidavit**), regarding the confidential documents taken by Dr Winther-Jensen;

    (b) Part F of the Huber Affidavit, regarding the confidential documents that were potentially taken by Dr Kolodziejczyk;

    (c) Part D of the affidavit of John Paul William Testaferrata Olivier dated 1 May 2024 (**Olivier Affidavit**), further regarding the confidential documents taken by Dr Winther-Jensen;

    (d) Part D of the Bhatt Affidavit and Part G of the affidavit of Susanne Monica Hantos (**Hantos Affidavit**), regarding Dr Kolodziejczyk's involvement in the development of the Ionic Process at Fortescue and having access to confidential information;

    (e) Parts E and J of the Bhatt Affidavit, regarding confidential documents reasonably expected to exist but which cannot be located; and

    (f) Part H of the Bhatt Affidavit and Parts F and H of the affidavit of Wayne McFaull dated 1 May 2024 (**McFaull Affidavit**), regarding Fortescue's confidential information that would be of interest to Element Zero and which Dr Winther-Jensen and Dr Kolodziejczyk had the opportunity to access while working at Fortescue.

13. Evidence setting out the various obligations of confidence in respect of the confidential information referred to above is set out in:

    (a) Parts C.1 and C.2 of the Huber Affidavit, regarding the relevant contractual confidentiality clauses applicable to Dr Winther-Jensen and Dr Kolodziejczyk and their roles at Fortescue; and

    (b) Part D of the Huber Affidavit, regarding information security systems and policies applicable to the Dr Winther-Jensen and Dr Kolodziejczyk.

14. Evidence setting out the unauthorised use and threatened unauthorised use of the above confidential information is set out in:

(a) Part G of the Bhatt Affidavit, regarding Dr Kolodziejczyk's work at Fortescue and the activities of Element Zero;

(b) Part F of the Bhatt Affidavit and Part D of the Hantos Affidavit, regarding Element Zero's processes and patent applications;

(c) Parts H and I of the McFaull Affidavit, regarding the relevance of identified documents to the construction of the Element Zero Pilot Plant and overcoming Element Zero's resource deficit; and

(d) Part E of the Hantos Affidavit, regarding the risk of disclosure of Fortescue's confidential information by the publication of patent applications.

D.2 Copyright infringement

15. Fortescue's evidence setting out the matters relevant to the copyright infringement cause of action can be found in the Bhatt Affidavit, the Olivier Affidavit, the Huber Affidavit, and the McFaull Affidavit.

16. Evidence regarding the relevant copyright works and ownership of the same is set out in:

(a) Part I of the Bhatt Affidavit and Part D of the Olivier Affidavit, regarding the confidential documents taken by Dr Winther-Jensen;

(b) Part F of the Huber Affidavit, regarding the confidential documents that were potentially taken by Dr Kolodziejczyk;

(c) Parts C.1 and C.2 of the Huber Affidavit, regarding the employment relationship and other relevant agreements entered into between Dr Winther-Jensen and Dr Kolodziejczyk and Fortescue.

17. Evidence relevant to the unauthorised reproduction of the relevant copyright works is set out in:

(a) Part I of the Bhatt Affidavit and Part D of the Olivier Affidavit, regarding the confidential documents taken by Dr Winther-Jensen; and

(b) Part F of the Huber Affidavit, regarding the confidential documents that were potentially taken by Dr Kolodziejczyk. and

(c) Parts H and I of the McFaull Affidavit, regarding the relevance of identified documents to the construction of the Element Zero Pilot Plant and overcoming Element Zero's resource deficit.

D.3 Contraventions of the Australian Consumer Law

18. Fortescue's evidence setting out the matters relevant to the contraventions of the Australian Consumer Law can be found in the Bhatt Affidavit, the Olivier Affidavit, the Huber Affidavit, the McFaull Affidavit, and the Hantos Affidavit.

19. Evidence relevant to the representations can be found in Part F.1 of the Bhatt Affidavit.

20. Evidence relevant to the misleading and deceptive conduct is set out in:

    (a) Part I of the Bhatt Affidavit and Part D of the Olivier Affidavit, regarding the confidential documents taken by Dr Winther-Jensen;

    (b) Part F of the Huber Affidavit, regarding the confidential documents that were potentially taken by Dr Kolodziejczyk;

    (c) Part G of the Bhatt Affidavit, regarding Dr Kolodziejczyk's work at Fortescue and the activities of Element Zero;

    (d) Part F of the Bhatt Affidavit and Part D of the Hantos Affidavit, regarding Element Zero's processes and patent applications; and

    (e) Parts H and I of the McFaull Affidavit, regarding the relevance of identified documents to the construction of the Element Zero Pilot Plant and overcoming Element Zero's resource deficit.

D.4 Breach of duties under the general law and the *Corporations Act*

21. Fortescue's evidence setting out the matters relevant to the contraventions of the Australian Consumer Law can be found in the Bhatt Affidavit, the Olivier Affidavit, the Huber Affidait, the McFaull Affidavit, and the Hantos Affidavit.

22. Evidence relevant to the positions held by Dr Winther-Jensen and Dr Kolodziejczyk at Fortescue can be found in Parts C.1 and C.2 of the Huber Affidavit.

23. Evidence relevant to breach of fiduciary duties and statutory duties can be found in the same parts of the evidence set out in paragraph 20 above.

E. Respondents' possession of important evidentiary material

24. Dr Winther-Jensen and Dr Kolodziejczyk have been and are likely still in possession of, or can it can reasonably be inferred they have been and are likely still in possession of, important evidentiary material, including Fortescue's confidential documents as set out in Part H of the Huber Affidavit and material derived from information in those documents.

25. By reason of the Dr Winther-Jensen and Dr Kolodziejczyk's positions at the First Respondent as set out in Part C of the Huber Affidavit, Element Zero is also likely to be in possession of the same important evidentiary material.

F. Real risk of destruction

26. Fortescue relies on the matters raised and material referred to in Part I of the Huber Affidavit in support of there being a real risk of destruction of the important evidentiary material referred to above.

27. Dr Winther-Jensen and Dr Kolodziejczyk hold senior positions in the First Respondent. Having regard to the matters above, there is also a risk of destruction of important evidentiary material by Element Zero at the direction of Dr Winther-Jensen and/or Dr Kolodziejczyk.

G. Seriousness of prejudice, loss or damage

28. The Olivier Affidavit sets out Fortescue's evidence in support of the seriousness of the prejudice, loss and damage that is likely to be suffered by the Applicants, including:

    (a) the importance of the relevant technology to Fortescue; and

    (b) the prejudice, loss and damage if the Search Order application is refused.

H. Alterations to exemplar search order

29. A marked up copy of the search orders sought against the exemplar search order in GPN-SRCH is annexed and marked **Annexure "PAD-1"**.

I. Locations for execution of the search order

30. I understand from Fortescue Senior Legal Counsel, Adrian Huber, that Fortescue engaged a private investigator with the aim of establishing the identity and location of each of the Respondents to the Search Order Application.

31. The private investigator firm engaged is Lancasters Investigations and their office is Level 22, Tower Two Westfield, 101 Grafton Street, Bondi Junction NSW 2022 Australia.

32. Annexed to this affidavit and marked **Annexure "PAD-2"** is a copy of the private investigator reports received from Adrian Huber between 21 to 28 April 2024, which I understand were prepared a result of this investigation.

33. Having regard to the contents of reports, the Applicants have proposed four locations for the simultaneous execution of the Search Order (**Locations**), two of which are the

business premises of Element Zero, which are in close proximity to each other. These locations are as follows:

(a) The locations of the ordinary working premises for Element Zero (**Business Premises**):

Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090

Unit 1, 19 Oxleigh Drive, Malaga, Western Australia 6090

(b) The location of the usual residential address in Victoria, Australia for Dr Kolodziejczyk (**Dr Kolodziejczyk's Residence**):

5a Volga Street, Hadfield Victoria 3046

(c) The location of the usual residential address in Western Australia for Dr Winther-Jensen (**Dr Winther-Jensen's Residence**):

Unit 4, 213 Gildercliffe Street, Scarborough Western Australia 6019

34. The reports also includes the following information:

(a) Screenshots of Google Maps and photographic street views of the above locations;

(b) Title searches of premises;

(c) The activities of Dr Winther-Jensen and Dr Kolodziejczyk;

(d) The potential for vulnerable persons present at each location, including the following:

i. Dr Kolodziejczyk's Residence. The vulnerable persons at this location may be Dr Kolodziejczyk's wife, and his approximately 5 year old child.

ii. Dr Winther-Jensen's Residence. The vulnerable persons at this location may be Dr Winther-Jensen's wife and approximately 16 year old daughter.

iii. In the interests of mitigating the impact of the search order on these vulnerable persons, the proposed independent solicitors have included experienced female independent lawyers for both residence locations (Perth and Melbourne). The independent lawyers have received information about the potential presence and identity of the vulnerable persons identified above in their briefing note.

J. Search parties

35. Davies Collison Cave Law has engaged Rodney McKemmish of Cyter to perform the role of independent computer expert for the execution of the search orders. I have been informed by Mr McKemmish that he will have the necessary staff available to coordinate and attend each of the Locations.

36. The following people are the independent computer experts identified by Mr McKemmish as available to assist with the execution of search orders:

    (a) Mr McKemmish of Cyter, located at level 8, 280 Pitt St, Sydney, New South Wales 2000;

    (b) Yian Sun of Cyter, located at level 8, 280 Pitt St, Sydney, New South Wales 2000;

    (c) Darren Michael, of Evidence Advisory located at level 12, 192 St Georges Terrace, Perth, Western Australia 6000; and

    (d) Phillip Russo of Evidence Advisory located at level 12, 192 St Georges Terrace, Perth, Western Australia 6000.

37. Annexed to this affidavit and marked **Annexure "PAD-3"** are copies of the curriculum vitae for each of the independent computer experts identified above.

38. Davies Collison Cave Law has engaged the law firm Ashurst Australia to act as independent solicitors for the execution of the search orders. The firm's address is Brookfield Place, Tower 2, level 10/123 St Georges Terrace, Perth Western Australia 6000.

39. Adrian Chai of Ashurst Australia has proposed the following solicitors to act as an independent solicitor for the Perth locations:

    (a) Adrian Chai of Ashurst Australia located at 123 St Georges Terrace, Perth, Western Australia 6000;

    (b) Catherine Pedler of Ashurst Australia located at 123 St Georges Terrace, Perth, Western Australia 6000; and

    (c) Sam Mengler of Ashurst Australia located at 123 St Georges Terrace, Perth, Western Australia 6000.

40. Adrian Chai has proposed the following solicitor to act as an independent solicitor for the Melbourne Location: Lucinda Hill of Ashurst Australia located at South Tower, Level 16/80 Collins St, Melbourne, Victoria 3000.

41. Annexed to this affidavit and marked **Annexure "PAD-4"** are copies of the curriculum vitae for each of the independent solicitors identified above.

42. On 26 April 2024, I cause a briefing note to be sent to Adrian Chai. Annexed to this affidavit and marked **Annexure "PAD-5"** is a copy of this briefing note.

K. Undertakings

43. On 28 April 2024, I caused the draft proposed search orders in the Search Order application, including the undertakings to be given to the Court, to be provided to the independent computer experts and the independent solicitors.

44. As of the date of this affidavit, I have received confirmation from Adrian Chai that each of the independent solicitors have agreed to be bound the undertakings to the Court set out in the Search Order.

45. As of the date of this affidavit, I have received confirmation from Rodney McKemmish that each of the independent computer experts have agreed to be bound the undertakings to the Court set out in the Search Order Application.

46. I confirm that I and the nominated solicitors at Davies Collison Cave Law acting as the Applicants' solicitors are willing to provide the undertakings to the Court as set out in the Search Order application.

Affirmed by the deponent)
at Sydney in New South Wales)
on 1 May 2024) Signature of deponent
Before me:)
)

Signature of witness

ASHLEY R.CAMERON
An Australian Legal Practitioner
within the meaning of the Legal
Profession Uniform Law (New South Wales)
Davies Collison Cave Law Pty Ltd
7 Macquarie Place, Sydney 2000

No. NSD 527 of 2024

Federal Court of Australia
District Registry: New South Wales
Division: General

FORTESCUE LIMITED (ACN 002 594 872) and others
Applicants

ELEMENT ZERO PTY LIMITED (ACN 664 342 081) and others
Respondents

~~CONFIDENTIAL~~ ANNEXURE PAD-1

This is the ~~confidential~~ annexure marked **PAD-1** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit on 1 May 2024.

Before me: .....

ASHLEY R.CAMERON
An Australian Legal Practitioner
within the meaning of the Legal
Profession Uniform Law (New South Wales)
Davies Collison Cave Law Pty Ltd
7 Macquarie Place, Sydney 2000

Form 1
Rule 2.13(2)

Annexure I to the Interlocutory Application (Search Order Application)

No. NSD 527 of 2024

Federal Court of Australia

District Registry: New South Wales

Division: General

Fortescue Limited ACN 002 594 872 and others named in the schedule

Applicants

Element Zero Pty Limited ACN 664 342 081 and others named in the schedule

Respondents

PENAL NOTICE

TO:

(a) Element Zero Pty Limited ACN 664 342 081;

(b) Bartlomiej Piotr Kolodziejczyk;

(c) Bjorn Winther-Jensen; and

(d) the occupants of each of:

(i) Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090;

(ii) Unit 1, 19 Oxleigh Drive, Malaga, Western Australia 6090;

(iii) 5A Volga Street, Hadfield, Victoria 3046; and

(iv) Unit 4, 213 Gildercliffe Street, Scarborough, Western Australia 6019.

IF YOU (BEING THE PERSON BOUND BY THIS ORDER):

(A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THE ORDER FOR THE DOING OF THE ACT; OR

(B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,

Filed on behalf of	Fortescue Limited, Fortescue Future Industries Pty Ltd and FMG Personnel Services Pty Ltd, the Applicants		
Prepared by	Paul Dewar		
Law firm	Davies Collison Cave Law		
Tel	02 9293 1000	Fax	02 9262 1080
Email	PDewar@dcc.com		
Address for service	Level 4, 7 Macquarie Place, Sydney NSW 2000		

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.

TO:

(a) Element Zero Pty Limited ACN 664 342 081;

(b) Bartlomiej Piotr Kolodziejczyk;

(c) Bjorn Winther-Jensen; and

(d) the occupants of each of

(i) Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090;

(ii) Unit 1, 19 Oxleigh Drive, Malaga, Western Australia 6090;

(iii) 5A Volga Street, Hadfield, Victoria 3046; and

(iv) Unit 4, 213 Gildercliffe Street, Scarborough, Western Australia 6019,

This is a **search order** made against You on [**] May 2024 by Justice [**insert name of Judge] at a hearing without notice to You after the Court was given the undertakings set out in **Schedule B** to this order and after the Court read the affidavits listed in **Schedule C** to this order.

The Court orders:

Introduction

1. (a) The application for this order is made returnable immediately.

(b) The time for service of the following documents:

(i) the Originating Application;

(ii) the Statement of Claim;

(iii) the Interlocutory Application and Annexure I thereto (Search Application);

(iv) the affidavits listed in **Schedule C** and their annexures or exhibits (other than the confidential affidavit text, confidential annexures and confidential exhibits);

(v) any other document listed in **Schedule B**, **Part B.2**, paragraph 2,

is abridged and service is to be effected by the Independent Lawyer on each Respondent in accordance with **Schedule B**, **Part B.3**, paragraph 1, on or before [**] April 2024.

2. Subject to the next paragraph, this order has effect up to and including [**] May 2024 (~~the~~ **Return Date**). On the Return Date at [**] am/pm there will be a further hearing before the Duty Judge in respect of this order ~~before Justice [**insert name of Judge]~~.

3. You may apply to the Court at any time to vary or discharge this order; including, if necessary, by telephone ~~to the judge referred to in the immediately preceding paragraph (phone No. [**]) or~~ to the chambers of the Duty Judge ~~(phone No. [**])~~.

4. This order may be served only between [**9]am and [**2]pm (Australian Western Standard Time) on a business day.

5. In this order:

   (a) **Applicant** means the person who applied for this order, and if there is more than one applicant, includes all the applicants.

   (b) **Independent Computer Expert** means ~~the~~ any person ~~(if any)~~ identified as ~~the~~ an independent computer expert in the Search Party referred to in **Schedule A** to this order.

   (c) **Independent Lawyer** means ~~the~~ any person identified as ~~the~~ an Independent Lawyer in the Search Party referred to in **Schedule A** to this order.

   (d) **Listed Thing** means any thing referred to as such in **Schedule A** to this order.

   (e) **Premises** means the premises and any of the premises identified in **Schedule A** to this order, including any vehicles and vessels that are under ~~the respondent's~~ Your control on or about the premises or that are otherwise identified in **Schedule A**.

   (f) **Search Party** means the persons identified or described as constituting the search party in **Schedule A** to this order.

   (g) **Thing** includes a document.

   (h) **You**, where there is more than one of you, includes all of you and includes you if you are a corporation.

   (i) Any requirement that something be done **in your presence** means:

      (i) in the presence of You or of one of the persons described in paragraph ~~(~~6~~)~~ below; or

(ii) if there is more than one of You, in the presence of each of You at each of the Premises, or, in relation to each of You, in the presence of one of the persons described in paragraph ~~(~~6~~)~~ below.

6. This order must be complied with by:

(a) Yourself;

(b) any director, officer, partner, employee or agent of Yourself; or

(c) any other person having responsible control of the Premises.

7. This order must be served by, and be executed under the supervision of, ~~the~~ an Independent Lawyer.

Entry, search and removal

8. Subject to paragraphs 10 to 20 below, upon service of this order, You must permit members of the Search Party to enter the Premises so that they can carry out the search and other activities referred to in this order.

9. Having permitted members of the Search Party to enter the Premises, You must:

(a) permit them to leave and re-enter the Premises on the same and the following day until the search and other activities referred to in this order are complete;

(b) permit them to search for and inspect the Listed Things and to make or obtain a copy, photograph, film, sample, test or other record of the Listed Things;

(c) disclose to them the whereabouts of all the Listed Things in ~~the respondent's~~Your possession, custody or power, whether at the Premises or otherwise;

(d) disclose to them the whereabouts of all computers (including smartphones, tablets and other mobile devices), computer disks, drives or memory (including portable drives and USB drives), ~~and~~ electronic information storage devices or systems, and online accounts (including all cloud and email accounts) at or accessible from the Premises in which any documents among the Listed Things are or may be stored, located or recorded and cause and permit those documents to be copied or printed out;

(e) do all things necessary to enable them to access the Listed Things, including by opening or providing keys to physical or digital locks and enabling them to access and operate computers and online accounts and providing them with all necessary passwords, access credentials and other access means;

(f) permit ~~the~~ any Independent Lawyer to remove from the Premises into the Independent Lawyer's custody:

(i) the Listed Things or things which reasonably appear to the Independent Lawyer to be the Listed Things and any things the subject of dispute as to whether they are Listed Things; and

(ii) the copies, photographs, films, samples, tests, other records and printed out documents referred to in paragraph 9(b) above; and

(g) permit ~~the~~ any Independent Computer Expert ~~(if there is one)~~ to search any computer (including any smartphone, tablet and other mobile device), computer disk, drive or memory (including any portable drive and USB drive), any electronic information storage device or system, and online accounts (including all cloud and email accounts) at or accessible from the Premises, and make a copy or digital copy of any ~~computer hard drive~~of the foregoing and permit ~~the~~ any Independent Computer Expert ~~(if any) or the Independent Lawyer~~ to remove any ~~computer hard drive and computer~~of the foregoing from the Premises as set out in paragraphs 20 and 21 below.

Restrictions on entry, search and removal

10. This order may not be executed at the same time as a search warrant (or similar process) is executed by the police or by a regulatory authority.

11. You are not required to permit anyone to enter the Premises until:

(a) ~~the~~ an Independent Lawyer serves You with copies of this order and any affidavits referred to in **Schedule C** (confidential annexures and exhibits, if any, need not be served until further order of the Court); and

(b) You are given an opportunity to read this order and, if You so request, the Independent Lawyer explains the terms of this order to You.

12. Before permitting entry to the Premises by anyone other than the Independent Lawyer, You, for a time (not exceeding two hours from the time of service or such longer period as the Independent Lawyer may permit):-

(a) may seek legal advice;

(b) may ask the Court to vary or discharge this order;

(c) (provided You are not a corporation) may gather together any things which You believe may tend to incriminate You or make You liable to a civil penalty and hand them to the Independent Lawyer in (if You wish) a sealed envelope or container; and

(d) may gather together any documents that passed between You and Your lawyers for the purpose of obtaining legal advice or that are otherwise subject to legal professional privilege or client legal privilege, and hand them to the Independent Lawyer in (if You wish) a sealed envelope or container.

13. Subject to paragraph 22 below, the Independent Lawyer must not inspect or permit to be inspected by anyone, including the Applicant and the Applicant's lawyers, any thing handed to the Independent Lawyer in accordance with subparagraphs 12(c) and 12(d) above and the Independent Lawyer must deliver it to the Court at or prior to the hearing on the Return Date.

14. During any period referred to in paragraph 12 above, You must:

(a) inform and keep the Independent Lawyer informed of the steps being taken;

(b) permit the Independent Lawyer to enter the Premises but not to start the search;

(c) not disturb or remove any Listed Things. In the case of smartphones, You may continue to use any smartphone to obtain legal advice, provided that You comply with the terms of paragraphs 25 and 26 ('Prohibited Acts') below in relation to any such use; and

(d) comply with the terms of paragraphs 25 and 26 ('Prohibited Acts') below.

15. Any thing the subject of a dispute as to whether it is a Listed Thing must promptly be handed by You to the Independent Lawyer for safekeeping pending resolution of the dispute or further order of the Court.

16. Before removing any Listed Things from the Premises (other than things referred to in the immediately preceding paragraph), the Independent Lawyer must supply a list of them to You, give You a reasonable time to check the correctness of the list, and give You and the Applicant's lawyers a copy of the list signed by the Independent Lawyer.

17. The Premises must not be searched, and things must not be removed from the Premises, except in ~~the~~ Your presence ~~of you~~ or of a person who appears to the Independent Lawyer to be Your director, officer, partner, employee, agent or other person acting on Your behalf or on Your instructions.

18. If the Independent Lawyer is satisfied that full compliance with the immediately preceding paragraph is not reasonably practicable, the Independent Lawyer may permit the search to proceed and the Listed Things to be removed without full compliance.

19. The Applicant's lawyer and the Independent Lawyer must not allow the Applicant in person to inspect or have copies of any thing removed from the Premises nor communicate to the Applicant information about its contents or about anything observed at the Premises until 4:30pm on the Return Date or other time fixed by further order of the Court. However, the Applicant's lawyer may communicate to the Applicant:

(a) for the purpose of obtaining instructions if it appears it is not safe or otherwise practicable to proceed or continue with the execution of this search order at any of the Premises; and

~~(a)~~(b) for the purpose of obtaining instructions for the hearing on the Return Date.

Computers

~~19.~~20. (a) ~~If it is expected that a computer will be searched,~~ The Search Party must include a computer expert, being an expert who is independent of the Applicant and of the Applicant's lawyers (the **Independent Computer Expert**), as set out in Schedule A to this order.

(b) Any search of a computer (including smartphone, tablet and other mobile device), computer disk, drive or memory (including portable drive and USB drive), electronic information storage device or system, and online accounts (including all cloud and email accounts) must be carried out only by ~~the~~ an Independent Computer Expert.

(c) ~~The~~ An Independent Computer Expert may:

(i) make a copy or digital copy of ~~the~~ any computer ~~hard drive~~ (including smartphone, tablet and other mobile device), computer disk, drive or memory (including portable drive and USB drive), electronic information storage device or system and online accounts (including all cloud and email accounts), as follows:

(A) in the case of smartphones, tablets and other mobile devices, such copy is to be made at the Premises; and

(B) in any other case, such copy may be made at the Premises or offsite and

~~(i)~~(ii) remove from the Premises that copy or digital copy (if made at the Premises) or the original device (if the copy is to be made offsite) ~~from the Premises~~.

(d) The Independent Computer Expert may search ~~the~~ any computer (including smartphone, tablet and other mobile device), computer disk, drive or memory (including portable drive and USB drive), electronic information storage device or system, and online accounts (including all cloud and email accounts) or the copy or digital copy thereof ~~the computer hard drive~~ at the Premises ~~and/~~or offsite ~~away from the Premises~~ for Listed Things and may copy the Listed Things electronically or in hard copy or both.

(e) The Independent Computer Expert must:

(i) within [**one week] after the execution of this order, return any original device removed from any of the Premises; and

(ii) as soon as practicable and, in any event, prior to the hearing on the Return Date, deliver the copy or digital copy of the computers ~~hard drive~~(including smartphones, tablets and other mobile devices), computer disks, drives or memory (including portable drives and USB drives), electronic information storage devices or systems, and online accounts (including all cloud and email accounts), and all electronic and hard copies of Listed Things to the Independent Lawyer, together with a report of what the Independent Computer Expert has done including a list of such electronic and hard copies.

~~(e)~~(f) The Independent Lawyer must, at or prior to the hearing on the Return Date, deliver to the Court all things received from the Independent Computer Expert and serve a copy of the Independent Computer Expert~~latter~~'s report on the parties.

~~(f) If no Independent Computer Expert has been appointed, but the Independent Lawyer considers it necessary to remove a computer from the Premises for safekeeping or for the purpose of copying its contents electronically and printing out information in documentary form, the Independent Lawyer may remove the computer from the premises for that purpose and cause that purpose to be achieved.~~

~~20.~~21. (a) This paragraph ~~(~~21~~)~~ applies if You are not a corporation and You wish to object to complying with paragraph 20 on the grounds that some or all of the information required to be disclosed may tend to prove that You:

(i) have committed an offence against or arising under an Australian law or a law of a foreign country; or

(ii) are liable to a civil penalty.

(b) This paragraph ~~(~~21~~)~~ applies if You are a corporation and all of the persons who are able to comply with paragraph 20 on Your behalf and with whom You have been able to communicate, wish to object to Your complying with paragraph 20 on the grounds that some or all of the information required to be disclosed may tend to prove that they respectively:

(i) have committed an offence against or arising under an Australian law or a law of a foreign country; or

(ii) are liable to a civil penalty.

(c) You must:

(i) disclose so much of the information required to be disclosed to which no objection is taken; and

(ii) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and

(iii) file and serve on each other party a separate affidavit setting out the basis of the objection.

Inspection

~~21.~~22. Prior to the Return Date, You or Your lawyer or representative shall be entitled, in the presence of the Independent Lawyer, to inspect any thing removed from the Premises and to:

(a) make copies of the same; and

(b) provide the Independent Lawyer with a signed list of things which are claimed to be privileged or confidential and which You claim ought not to be inspected by the Applicant.

Provision of information

~~22.~~23. Subject to paragraph 24 below, You must:

(a) at or before the further hearing on the Return Date (or within such further time as the Court may allow) to the best of Your ability inform the Applicant in writing as to:

(i) the location of the Listed Things;

(ii) the name and address of everyone who has supplied You, or offered to supply You, with any Listed Thing;

(iii) the name and address of every person to whom You have supplied, or offered to supply, any Listed Thing; and

(iv) details of the dates and quantities of every such supply and offer.

(b) within [**10] working days after being served with this order, make and serve on the Applicant an affidavit setting out the above information.

~~23.~~24. (a) This paragraph ~~(~~24~~)~~ applies if You are not a corporation and You wish to object to complying with paragraph 23 on the grounds that some or all of the information required to be disclosed may tend to prove that You:

(i) have committed an offence against or arising under an Australian law or a law of a foreign country; or

(ii) are liable to a civil penalty.

(b) This paragraph ~~(~~24~~)~~ also applies if You are a corporation and all of the persons who are able to comply with paragraph 23 on Your behalf and with whom You have been able to communicate, wish to object to Your complying with paragraph 23 on the grounds that some or all of the information required to be disclosed may tend to prove that they respectively:

(i) have committed an offence against or arising under an Australian law or a law of a foreign country; or

(ii) are liable to a civil penalty.

(c) You must:

(i) disclose so much of the information required to be disclosed to which no objection is taken; and

(ii) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and

(iii) file and serve on each other party a separate affidavit setting out the basis of the objection.

Prohibited Acts

~~24.~~25. Except for the sole purpose of obtaining legal advice, You must not, until 4:30pm on the Return Date, directly or indirectly inform any person of this proceeding or of the contents of this order, or tell any person that a proceeding has been or may be brought against You by the Applicant.

~~25.~~26. Until 4:30pm on the Return Date You must not destroy, tamper with, cancel or part with possession, power, custody or control of the Listed Things otherwise than in accordance with the terms of this order or further order of the Court.

Costs

~~26.~~27. The costs of this application are reserved to the Court hearing the application on the Return Date.

Schedule A

Premises

The premises located at:

(a) Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090; Unit 1, 19 Oxleigh Drive, Malaga, Western Australia 6090;

(b) 5A Volga Street, Hadfield, Victoria 3046; and

(c) Unit 4, 213 Gildercliffe Street, Scarborough, Western Australia 6019 ,

including any vehicle or vehicles under ~~the respondent's~~ Your control on or about those premises.

Listed Things

1. All computers (including smartphones, tablets or other mobile devices), computer disks, drives or memory (including any portable drives and USB drives), electronic information storage devices or systems, or online accounts (including all cloud and email accounts), at or accessible from the Premises (including offsite data storage, cloud, email and other platforms or services that are accessible from the Premises), including the following devices:

    a. Toshiba branded USB drive with serial no. 07080A078F1B6304; and

    b. Kingston branded USB drive with serial no. 900042ACAE668708.

2. All documents (whether in hardcopy or electronic form) containing the word "Fortescue", "FFI", "FMG" or "FMGL".

3. All documents (whether in hardcopy or electronic form) recording or evidencing research and development work by or on behalf of Element Zero, Dr Kolodziejczyk or Dr Winther-Jensen, including laboratory notebooks and experimental data.

4. All documents (whether in hardcopy or electronic form) recording or evidencing the design, engineering, construction or operation of any pilot plant operated by or on behalf of Element Zero.

5. Any document listed in Annex 1 to this Schedule A (whether in hardcopy or electronic form) and any emails or communications attaching those documents.

6. Any document recording or evidencing communications to which any two or more of the Second to Fourth Respondents are parties. The email accounts and mobile numbers for the Second to Fourth Respondents include:

a. “kolodziejczyk.bartlomiej@gmail.com”, “kolodziejczykbartlomiej@gmail.com”, and “bart@kolodziejczyk.com”;

b. “bjornwj@gmail.com” and “b.wintherjensen@kurenai.waseda.jp”;

c. “mgmasterman@gmail.com”;

d. +61416833585;

e. +61447865470; and

f. +61418951792 or +447791288381.

7. Emails in Dr Kolodziejczyk’s email accounts (including but not limited to “kolodziejczyk.bartlomiej@gmail.com”, “kolodziejczykbartlomiej@gmail.com”, and “bart@kolodziejczyk.com”):

a. to or from any email account in the domain “fmgl.com.au”; or

b. in the period from 25 March 2019 to January.

8. Emails in Dr Winther-Jensen’s email accounts (including but not limited to) “bjornwj@gmail.com” and “b.wintherjensen@kurenai.waseda.jp”:

a. to or from any email account in the domain “fmgl.com.au”;

b. in the period from 18 January 2021 to January 2024.

9. All of the above may be located on any computer (including smartphone, tablet or other mobile device), computer disk, drive or memory (including any portable drive and USB drive), electronic information storage device or system, or online accounts (including all cloud and email accounts), at or accessible from the Premises (including offsite data storage, cloud, email and other platforms or services that are accessible from the Premises).

Search Party for Premises at Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090 and for Unit 1, 19 Oxleigh Drive Malaga, Western Australia 6090

1. Independent Lawyers:

(a) Adrian Chai of Ashurst Australia located at 123 St Georges Terrace, Perth, Western Australia 6000.

(b) Sam Mengler of Ashurst Australia located at 123 St Georges Terrace, Perth, Western Australia 6000

2. Applicant's lawyers:

    (a) Paul Dewar of Davies Collison Cave Law located at level 4, 7 Macquarie Place, Sydney, New South Wales 2000.

3. Independent Computer Experts:

    (a) Yian Sun of Cyter located at level 8, 280 Pitt St, Sydney, New South Wales 2000.

    (b) Darren Michael of Evidence Advisory located at level 12, 192 St Georges Terrace, Perth, Western Australia 6000.

    (c) Phillip Russo of Evidence Advisory located at level 12, 192 St Georges Terrace, Perth, Western Australia 6000.

Search Party for Premises at 5A Volga Street, Hadfield, Victoria 3046

1. Independent Lawyers:

    (a) Lucinda Hill of Ashurst Australia located at South Tower, Level 16/80 Collins St, Melbourne, Victoria 3000.

2. Applicant's lawyers:

    (a) Jessica Sapountsis or Lachlan Bart of Davies Collison Cave Law located at level 15, 1 Nicholson Street, Melbourne, Victoria 3000.

3. Independent Computer Experts:

    (a) Rod McKemmish of Cyter located at level 8, 280 Pitt St, Sydney, New South Wales 2000.

Search Party for Premises at Unit 4, 213 Gildercliffe Street, Scarborough, Western Australia 6019

1. Independent Lawyers:

    (a) Candice Lamb of Ashurst Australia located at 123 St Georges Terrace, Perth, Western Australia 6000.

2. Applicant's lawyers:

    (a) Ashley Cameron of Davies Collison Cave Law located at level 4, 7 Macquarie Place, Sydney, New South Wales 2000.

3. Independent Computer Experts:

(a) Phillip Russo of Evidence Advisory located at level 12, 192 St Georges Terrace, Perth, Western Australia 6000.

Annex 1 to Schedule A
Specified Listed Things

Documents referred to in paragraph 19 of the Statement of Claim

1. Green pdate (02.08.2021).pdf
2. Copies of the specifications and drawings, as filed on 24 May 2021, of Australian provisional patent application no. 2021901547 entitled ‘Apparatus and process for producing iron’ in the name of Fortescue Future Industries Pty Ltd, including documents with the file names "35557986A - Specification as filed (35557986).pdf" and "35557986A - Drawings as filed (35557986).pdf"
3. Document titled "Basis of Design – Chameleon Pilot Plant" having document number or file name FFI0302-10000-00-EG-BOD-0001
4. Bumblebee PID markups 26_10_21.pdf

Documents referred to in paragraph 20 of the Statement of Claim

5. 211029_Iron ore leaching_Report_ASH.R1.docx
6. 211014_FFI Green Steel_Ore Leach_ASH_XRF results.csv
7. 211014_FFI Green Steel_Ore Leach_ASH_ICP results.csv
8. Technical Evaluation.xlsx
9. Email from David White sent on 4 November 2024 with Subject “Technical Evaluation of Green Iron process”
10. Microsoft PowerPoint document with the internal title, ‘Green Iron Forum’, internally dated 1 November 2021, including documents with the file name "Green Iron pdate (01.11.2021)"
11. Copies of the specifications and drawings, as filed on 24 May 2021, of Australian provisional patent application no. 2021901547 entitled ‘Apparatus and process for producing iron’ in the name of Fortescue Future Industries Pty Ltd, including documents with the file names "35557986A - Specification as filed (35557986).pdf" and "35557986A - Drawings as filed (35557986).pdf"

SharePoint documents referred to in Affidavit of Dr Anand Bhatt

12. 2. FFI Pilot - concept flowsheet REV0.pdf
13. 2. FFI pilot plant (Project Chameleon).msg
14. 20210813 All Operations Tailings Chemistry to Current_SCH.xlsx
15. 210827_Leaching project draft plan_NTH_ASH edits.docx
16. 210920_Update presentation_ASH.pptx
17. 211004_Leaching experimental design_ASH.xlsx

18. 211029_Iron ore leaching_Report_ASH.R1.docx
19. 570CBC0001-02007-BD-EG-0001_1_US.pdf
20. A22314 - ISAMill SigPlot Report Final.pdf
21. A22314 - SigPlot Report Final edit.xlsx
22. Brief notes on processing product from ‘filter press’ test rig 10_6_21.docx
23. BumbleBee FFI0301-10000-00-EG-BOD-0001_A.docx
24. Bumblebee layout.docx
25. Christmas Creek OPF2 Mass Balance.xlsx
26. Effluent stream potentials.docx
27. Electrochemical ore reduction Figures and flow diagram (002).pptx
28. Engineering Diary Week 36_21 12_9_21.docx
29. Example Flow Diagrams 22_2_21.docx
30. Feed Input calc.XLS
31. FFI INNOVATION CENTRE Engineering Diary Week 42_21 22_10_21 DJA input.docx
32. FFI0001-0001-00-DR-PR-0002_rA_COMMINUTION STAGE - CHECK.pdf
33. FFI0001-0001-00-DR-PR-0004_rA_LEACHING STAGE - CHECK.pdf
34. FFI0301-0001-00-DR-PR-0001_rA GS RIG OVERALL BLOCK DIAGRAM.pdf
35. FFI0302-8100-EG-BOD-0001_A.docx
36. FFI0302-8100-EG-TNN-0001 - Questions.docx
37. FFI0303-8100-EG-PLN-0002 Comminution Testing Plan.xlsx
38. FFICGreen_Steel_Process_Overview_Memo_v2.docx
39. FFI-Green_Steel_Process_Overview_Memo_v1.docx
40. filter press concepts 22_3_21.pdf
41. filter press conversion.pdf
42. Filter Press tesfa.docx
43. green iron quick intro.pptx
44. Green Iron Update (10.09.2021) v1.pdf
45. Green_Steel_PFD_Example_Overview_BWJ_16-07-21_Comments.pdf
46. Green_Steel_PFD_Example_Overview_NOT_FOR_USE.pdf
47. Green_Steel_PFD_Rev1_v2_Example.png
48. GreenSteel_ProcessFlow_Schematic_v4.pdf
49. GS_PFD.png
50. IsaMill Budget Quote ETM 2120 6721.pdf
51. Isamill call 28_4_21docx.docx
52. Isamill purchase review.pdf
53. IsaMill_Technology_Used_in_Effecient_Grinding_Circuits.pdf
54. Leaching results_Rob.xlsx
55. Multiple Aspen software files located within the folder named Models

56. Ore composition after drying.xlsx
57. Pilot Plant Assumptions.xlsx
58. Pilot Plant Basis of Design - Mechanical.docx
59. Pilot Plant MEL draft.xlsx
60. Pilot Plant Technical Workshop .potx
61. Pilot Plant Workshop_Outputs.pptx
62. PTHPSM01_3BF00564-PTH_PRN_Belmont_0576_001.pdf
63. SGS Filter Press review 29_03_21.docx
64. SOL DID Rc chip polished blocks grades_JCedits final.xlsx
65. Solomon_Stratigraphy_Geo-Met_GE.pptx
66. SWI RS-WI-MT-0101 Wet Low Intensity Magnetic Sperarator (Rev 0) SG.doc
67. Tailings stream potentials.docx
68. Tank Review 1_6_21 expanded .docx
69. tanks.xlsx
70. Test Plan for leaching variables.docx
71. ULT_Green Steel_u330327.a_Alkali roasting_Diff NaOH trial+Wash trial.csv
72. ULT_Green Steel_u330327.b_ICP_Bjorn Leach solution.csv
73. ·V1.0_Estimated Grade_Logging_Template_8mm_Sample__Post_Scrub_20201216 AL.xlsx

Internal Fortescue procedure and specification documents

74. Any of the documents in the table below.

Document Num er	Title
100-PR-PM-0013	FMG Procedure Safety In Design
100-SP-CI-0003	FMG Engineering Specification Concrete
100-SP-CI-0007	FMG Engineering Specification Earthworks
100-SP-EL-0001	FMG Engineering Specification Electrical Design Criteria
100-SP-EL-0002	FMG Engineering Specification Earthing Bonding
100-SP-EL-0005	FMG Engineering Specification Low Voltage MCCs and Switchboards
100-SP-EL-0006	FMG Engineering Specification Distribution and Control Panels
100-SP-EL-0008	FMG Engineering Specification Electrical Installation
100-SP-EL-0009	FMG Engineering Specification for Preferred Electrical Equipment
100-SP-EL-0010	FMG Engineering Specification Testing and Commissioning of Electrical Installations
100-SP-EL-0013	FMG Engineering Specification Low Voltage Induction Motors
100-SP-EL-0014	FMG Engineering Specification High Voltage Induction Motors
100-SP-IN-0001	FMG Engineering Specification Preferred Instrumentation List

Document Num er	Title
100-SP-IN-0002	FMG Engineering Specification Instrumentation and Control Design
100-SP-IN-0014	FMG Engineering Specification Instrumentation
100-SP-IN-0015	FMG Engineering Specification Field Communication and Marshalling Panels
100-SP-IN-0019	FMG Engineering Specification Instrument Installations
100-SP-ME-0002	FMG Engineering Specification Mechanical Equipment
100-SP-ME-0004	FMG Engineering Specification Installation of Mechanical Equipment
100-SP-ME-0042	FMG Engineering Specification Centrifugal Pumps
100-SP-PI-0001	FMG Engineering Specification Pipe Work and Valves
100-SP-ST-0001	FMG Engineering Specification Structural Steelwork Fabrication
100-SP-ST-0002	FMG Engineering Specification Structural Steelwork Erection
100-SP-ST-0003	FMG Engineering Specification Protective Coating Systems – Hot Dip Galvanising
500CB-00000-SP-PI-0002	Manual Valves Specification
500CB-00000-SP-PI-0007	Special Piping Items

Schedule B:
Undertakings given to the Court

B.1 Undertakings given to the Court by ~~the~~ each Applicant by their counsel:

1. The Applicant undertakes to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the order.

2. The Applicant will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.

3. The Applicant will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.

~~4. If the Applicant has not already done so, as soon as practicable the Applicant will file an interlocutory application for hearing on the Return Date and an originating process [in the form of the draft produced to the Court].~~

~~5. The Applicant will insure the things removed from the Premises against loss or damage for an amount that reasonably appears to the Applicant to be their full value.~~

~~6. The Applicant will:~~

~~(a) on or before [insert date] cause a written irrevocable undertaking to pay in the sum of $[insert amount] to be issued from a bank with a place of business within Australia, in respect of any order the Court may make referred to in the undertaking as to damages contained in paragraph (1) above; and~~

~~(b) immediately upon issue of the irrevocable undertaking to pay, cause a copy of it to be served on the respondent.~~

B.2 Undertakings given to the Court by ~~the~~ each Applicant's lawyer:

1. The Applicant's lawyer will pay the reasonable costs and disbursements of the Independent Lawyer and of any Independent Computer Expert.

2. The Applicant's lawyer will provide to the Independent Lawyer for service on ~~the~~ each Respondent copies of the following documents:

   (a) this order;

   (b) the Originating Application ~~for this order for hearing on the Return Date~~;

   (c) the Statement of Claim;

   (d) the Applicant's genuine steps statement;

   (e) the Interlocutory Application and Annexure I thereto (Search Application);

   ~~(b)~~(f) the following material in so far as it was relied on by the Applicant at the hearing when the order was made:

      (i) the affidavits listed in **Schedule C** ~~(or draft affidavits)~~ (other than confidential affidavit text);

      (ii) annexures and exhibits capable of being copied (other than confidential annexures and exhibits);

      (iii) ~~any written~~the Applicant's written submissions filed on [**] April 2024; and

      (iv) any other document that was provided to the Court.

   ~~(c)~~(g) a transcript, or, if none is available, a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submissions that ~~was~~ were put, to the Court~~; and~~.

~~3. the originating process, or, if none was filed, any draft originating process produced to the Court~~.

~~4.~~3. The Applicant's lawyer will answer to the best of the lawyer's ability any question as to whether a particular thing is a Listed Thing.

~~5.~~4. The Applicant's lawyer will use the lawyer's best endeavours to act in conformity with the order and to ensure that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to ~~the~~ each Respondent.

~~6.~~5. The Applicant's lawyer will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.

~~7.~~6. The Applicant's lawyer will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.

~~8.~~7. The Applicant's lawyer will not disclose to the Applicant any information that the lawyer acquires during or as a result of execution of the search order, ~~without~~ until 4:30pm on the Return Date or other time fixed by further order of the Court, unless the disclosure is permitted by paragraph 19 of this order or with the leave of the Court.

~~9.~~8. The Applicant's lawyer will use best endeavours to follow all directions of the Independent Lawyer.

B.3 Undertakings given to the Court by ~~the~~ each Independent Lawyer:

1. The Independent Lawyer will use his or her best endeavours to serve ~~the~~ each Respondent with this order and the other documents referred to in undertaking **Part B.~~(~~2~~)~~ of the above (undertakings by ~~the~~ each Applicant's lawyer ~~or lawyers~~).

2. Before entering the Premises, the Independent Lawyer will:-

   (a) offer to explain the terms and effect of the search order to the person served with the order and, if the offer is accepted, do so; and

   (b) inform ~~the~~ each Respondent of his or her right to take legal advice.

3. ~~Subject to~~Except for the Independent Computer Expert's removing computers, ~~and~~ other devices and their copies or digital copies for copying or searching in accordance with paragraph 20 of this order and subject to undertaking ~~(~~4~~)~~ below, the Independent Lawyer will retain custody of all things removed from the Premises by the Independent Lawyer pursuant to this order until delivery to the Court or further order of the Court.

4. At or before the hearing on the Return Date, the Independent Lawyer will provide a written report on the carrying out of the order to the Court and provide a copy to the Applicant's lawyers and to ~~the~~ each Respondent or ~~the~~ each Respondent's lawyers. The report will attach a copy of any list made pursuant to the order and a copy of any report received from an Independent Computer Expert.

5. The Independent Lawyer will use best endeavours to ensure that members of the Search Party act in conformity with the order and that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to ~~the~~ each Respondent, and will give such reasonable directions to other members of the Search Party as are necessary or convenient for the execution of the order.

6. The Independent Lawyer will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.

7. The Independent Lawyer will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.

B.4 Undertakings given to the Court by ~~the~~ each Independent Computer Expert

1. The Independent Computer Expert will use his or her best endeavours to act in conformity with the order and to ensure that the order, so far as it concerns the Independent Computer Expert, is executed in a courteous and orderly manner and in a manner that minimises disruption to ~~the~~ each Respondent.

2. The Independent Computer Expert will remove computers and other devices from the Premises for copying and searching in accordance with paragraph 20 of this order.

~~2.~~3. The Independent Computer Expert will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.

~~3.~~4. The Independent Computer Expert will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.

~~4.~~5. The Independent Computer Expert will use best endeavours to follow all directions of the Independent Lawyer.

Schedule C:
Affidavits relied on

No.	Name of deponent	Date affidavit made
1.	Anand Indravadan Bhatt	1 May 2024
2.	Wayne McFaull	1 May 2024
3.	Susanne Monica Hantos	1 May 2024
4.	ohn Paul William Testaferrata Olivier	1 May 2024
5.	Adrian Huber	1 May 2024
6.	Paul Alexander Dewar	1 May 2024

Name and address of Applicant's lawyers

The Applicant's lawyers are:

Davies Collison Cave Law
Level 4, 7 Macquarie Place, Sydney NSW 2000
Email: PDewar@dcc.com ; ACameron@dcc.com ; RDighe@dcc.com
Mobile: +61 404 047 047
Tel: 02 9293 1000
Fax: 02 9262 1080

Schedule D:
Schedule of Parties

No. NSD of 2024

Federal Court of Australia
District Registry: New South Wales
Division: General

Applicants

Second Applicant:	**Fortescue Future Industries Pty Ltd ACN 625 711 373**
Third Applicant:	**FMG Personnel Services Pty Ltd ACN 159 057 646**

Respondents

Second Respondent:	**Bartlomiej Piotr Kolodziejczyk**
Third Respondent:	**Bjorn Winther-Jensen**
Fourth Respondent:	**Michael George Masterman**

No. NSD 527 of 2024

Federal Court of Australia

District Registry: New South Wales

Division: General

FORTESCUE LIMITED (ACN 002 594 872) and others

Applicants

ELEMENT ZERO PTY LIMITED (ACN 664 342 081) and others

Respondents

~~CONFIDENTIAL~~ ANNEXURE PAD-2

This is the ~~confidential~~ annexure marked **PAD-2** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit on 1 May 2024.

Before me: .....

ASHLEY R.CAMERON
An Australian Legal Practitioner
within the meaning of the Legal
Profession Uniform Law (New South Wales)
Davies Collison Cave Law Pty Ltd
7 Macquarie Place, Sydney 2000

Lancasters
Investigations

For the use of client legal advisers – Privileged

21 April 2024

Darren Perry
Partner
Seyfarth Shaw Australia
1 Farrer Place
NSW 2000

CC
Adrian Huber
adrian.huber@fortescue.com

Phil McKeiver
phil.mckeiver@fortescue.com

Dear Darren,

YOUR REF: TBA
REF: KOLODZIEJCZYK BACKGROUND
OUR REF: 24.422.02

We thank you for your instructions in this matter and we now submit our background investigation report for your perusal. In accordance with your instructions an urgent background investigation was carried out on the person of Interest (POI 2) **BARTLOMIEJ PIOTR KOLODZIEJCZYK**

POI 2 **BART KOLODZIEJCZYK**

Actual Name:	**BARTLOMIEJ PIOTR KOLODZIEJCZYK**
Date of Birth:	**03/05/1985**
Place of Birth:	**RZESZOW, POLAND**
Address	**5A Volga Street, Hadfield, Vic 3046**
Wife/Partner	**RANTHINI MANIRAJAN**
Children	**Believed to have at least one son**

ASIC SEARCHES

We conducted extensive searches on ASIC data bases and located **6 separate ASIC Files** relating to the POI 2.

FILE 1

Historical Personal Name Extract for: KOLODZIEJCZYK, BARTLOMIEJ

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001.

PERSONAL DETAILS

Name:	**KOLODZIEJCZYK, BARTLOMIEJ**
Date of Birth:	**03/05/1985**
Place of Birth:	**RZESZOW, POLAND**

ROLES HELD

Former Director	**H2SG ENERGY (AUS) PTY LTD**
ACN:	604278588
ABN:	25604278588
Deregistered	Australian Proprietary Company
Address	**UNIT 3417-25 YARRA STREET HAWTHORN VIC 3122**
Start date	17/07/2017
Cease date	31/08/2018
File No	7E9323348

Former Director	**IAESTE AUSTRALIA LTD.**
ACN:	155873457
ABN:	15155873457
Registered	**Australian Public Company**

This company is a registered charity with the Australian Charities and Not-for-profit Commission (ACNC). For further information on the charity, including the address for service, details of responsible persons (for example company directors) and financial reports, search the Charities register at www.acnc.gov.au.

Address	**UNIT 219 ROWENA PARADE RICHMOND VIC 3121**
Strat date	08/03/2012
Cease date	10/03/2016
File No	028000612

Former Director	**SCIENTISTS IN RESIDENCE LTD**
ACN:	616862189
ABN:	82616862189
Deregistered	Australian Public Company
Address	**U35', 17'17-25 YARRA STREET HAWTHORN VIC 3122**
Start date	17/01/2017
Cease date	**12/06/2022**
File No	029834298

FILE 2

Historical Personal Name Extract for: KOLODZIEJCZYK, BARTLOMIEJ PIOTR

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001.

PERSONAL DETAILS

Name:	**KOLODZIEJCZYK, BARTLOMIEJ PIOTR**
Date of Birth:	**03/05/1985**
Place of Birth:	**RZESZOW, POLAND**

ROLES HELD

Current Director	**ELEMENT ZERO PTY LIMITED**
ACN:	664342081
ABN:	38664342081
Registered	Australian Proprietary Company
Address	**5A VOLGA STREET**
	HADFIELD VIC 3046
07/12/2022	3EPJ34874

Current Director	**PROTON SYSTEMS PTY LIMITED**
ACN:	664545331
ABN:	21664545331
Registered	Australian Proprietary Company
Address	**5A VOLGA STREET**
	HADFIELD VIC 3046
Start date	16/12/2022
File No	3EQA03194

FILE 3

Historical Personal Name Extract for: KOLODZIEJCZYK, BARTLOMIEJ PIOTR

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001.

PERSONAL DETAILS

Name: **KOLODZIEJCZYK, BARTLOMIEJ PIOTR**

Date of Birth: **Unknown**

Place of Birth: **Place Unknown**

Note: This information may relate to more than one person. Where birth details are not recorded for persons with the same name, their information may be displayed under a single name entry.

SHAREHOLDINGS

Status	Class	No. Held	Beneficially Held	Fully Paid	Share Issuer Joint Holding	Doc Number
Current	ORD	1000	Yes	Yes	No	3EQA03194
Current	ORD	1000	Yes	Yes	No	5EHG52099
Current	ORD	100	Yes	Yes	No	6EVE93215

Note: For each class of shares issued by a company, ASIC records the details of the top twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth-ranked member will also be recorded by ASIC on the database. Where available, historical records show when a member has ceased to be ranked amongst the top twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company

FILE 4

Historical Personal Name Extract for: KOLODZIEJCZYK, BARTLOMIEJ PIOTR

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001.

PERSONAL DETAILS

Name:	**KOLODZIEJCZYK, BARTLOMIEJ PIOTR**
Date of Birth:	**03/05/1985**
Place of Birth:	**POLAND**

ROLES HELD

Current Director	**PERSONAL QUANTUM TECHNOLOGIES PTY LTD**
ACN:	674142020
ABN:	83674142020
Registered	Australian Proprietary Company
Address	5A VOLGA STREET
	HADFIELD VIC 3046
Start date	**12/01/2024**
File No	6EVE93215

FILE 5

Historical Personal Name Extract for: KOLODZIEJCZYK, BARTOLOMIEJ PIOTR

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

PERSONAL DETAILS

Name:	**KOLODZIEJCZYK, BARTOLOMIEJ PIOTR**
Date of Birth:	**03/05/1985**
Place of Birth:	**POLAND**

ROLES HELD

Former Director	**BHB RENEWABLE ENERGY PTY LTD**
ACN:	657565378
ABN:	49657565378
Deregistered	Australian Proprietary Company
Address	5A VOLGA STREET HADFIELD VIC 3046
Start date	**23/02/2022**
Cease date	**23/08/2023**
File No	5EFP40634

FILE 6

Historical Personal Name Extract for: KOLODZIEJCZYK,BARTOLOMIEJPIOTR

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001.

PERSONAL DETAILS

Name: **KOLODZIEJCZYK, BARTOLOMIEJ PIOTR**

Date of Birth: **Unknown**

Place of Birth: **Place Unknown**

Note: This information may relate to more than one person. Where birth details are not recorded for persons with the same name, their information may be displayed under a single name entry.

SHAREHOLDINGS

Status	Class	No. Held	Beneficially Held	Fully Paid	Share Issuer Joint Holding		Doc Number
Former	FOU	1	Yes	Yes	No	5	EFP40634

Note: For each class of shares issued by a company, ASIC records the details of the top twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth-ranked member will also be recorded by ASIC on the database. Where available, historical records show when a member has ceased to be ranked amongst the top twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company

PERSONAL QUANTUM TECHNOLOGIES PTY LTD

It was noted a new file indicated a company that is apparently unknown. As this may relate to the information required to assist in the court orders a current company extract was obtained to obtain full details.

Company name	**PERSONAL QUANTUM TECHNOLOGIES PTY LTD**
A.C.N:	674 142 020
A.B.N:	83 674 142 020
Status:	Registered
Registered in:	WA
Registration Date:	**12/01/2024**
Review Date:	12/01/2025
Name Start Date:	12/01/2024
Type:	Australian Proprietary Company
Organisation Number Type:	Australian Company Number
Details Start Date:	12/01/2024
Class:	Limited By Shares
Subclass:	Proprietary Company
Disclosing Entity:	No
Registered Charity:	No

ORGANISATION ADDRESS

Registered Office	11 BERNARD STREET WEST LEEDERVILLE WA 6007
Start date	12/01/2024
Doc No	6EVE93215
Principal Place of Business	**11 BERNARD STREET WEST LEEDERVILLE WA 60**
Start date	12/01/2024
Doc No	6EVE93215

ORGANISATION OFFICERS

Director	BARTLOMIEJ PIOTR KOLODZIEJCZYK
Date of Birth:	03/05/1985
Place of Birth:	POLAND
Address	5A VOLGA STREET HADFIELD VIC 3046
Start date	12/01/2024
Doc no	6EVE93215

SHARE STRUCTURE

Share Class	No. Issued	Amount Paid	Amount Unpaid	Doc Number
ORD (ORD SHARES)	100	$1.00	$0.00	6EVE93215

Note: For each class of shares issued by a proprietary company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

SHAREHOLDERS

Class	No. Held	% Held	Beneficially Held	Fully Paid
ORD	100	100%	Yes	Yes

Shareholder Details	BARTLOMIEJ PIOTR KOLODZIEJCZYK 5A VOLGA STREET HADFIELD VIC 3046
Doc Number	6EVE93215

Reference	Documents	Pages	Start date	Doc number
201	201C Application Registration as a Pty Company	3	12/01/2024	6EVE93215

COURT DATABASE SEARCHES

Extensive searches were conducted on Court databases in All States covering both Criminal and Civil Court Listings. The POI 2 was not located on any Court Listing.

Your search for:

Given Name: Bartlomiej

Surname: Kolodziejczyk

No matching records were found

BANKRUPTCY SEARCH

As the POI 2 has been involved in a Deregistered company a Bankruptcy search was carried out to ascertain if he has ever been made bankrupt or obtained a Part 10 agreement with creditors. There is no record of the subject being made bankrupt any time.

Family Name: Kolodziejczyk (Exact) Given Name: Bartlomiej (Contains) Insolvency Records Searched: Middle Name: (Any Middle Name)

BANKRUPTCY BROWSE SUMMARY - TOTAL RETURNED (0)

PROPERTY SEARCHES

The subject owns the property listed with ASIC as his current address with a person believed to be his partner. Due to time and budget constraints full property searches in All States in the POI 2 name have not been conducted at this time. Should the POI 2 not be located at the given address we recommend full property searches are conducted to ascertain his current residential address.

5A VOLGA STREET HADFIELD VIC 3046


claudio+
marwan
RESIDENTIAL


claudio+
marwan
RESIDENTIAL
eview
GROUP

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 11572 FOLIO 194

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 702117Q.

PARENT TITLES :

Volume 08089 Folio 253 Volume 08173 Folio 843 Created by instrument PS702117Q 22/05/2015

REGISTERED PROPRIETOR Estate Fee Simple Joint Proprietors

Security no : 124114298007P

RANTHINI MANIRAJAN

BARTLOMIEJ PIOTR KOLODZIEJCZYK

both of 5A VOLGA STREET HADFIELD VIC 3046

AT136524T 06/04/2020

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AT136525R 06/04/2020

ING BANK (AUSTRALIA) LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION

We noted an address of the POI 2 company **PERSONAL QUANTUM TECHNOLOGIES PTY LTD** indicated a residential address so searches were conducted on this address to ascertain who the owner is to confirm if the POI 2 owns and or may reside at the property.

11 Bernard Street, West Leederville, WA 6007

Property features

Bedrooms:	3
Car spaces:	2
Bathrooms:	2
Land size:	229 m²
Property type:	House
Year built:	1995

The title search was obtained and the owner is NICOLA DAWN WRIGHT who did not appear to be related to the POI 2

RECORD OF CERTIFICATE OF TITLE UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

LOT 305 ON DIAGRAM 89010

LAND DESCRIPTION: REGISTERED PROPRIETOR:

(FIRST SCHEDULE)

NICOLA DAWN WRIGHT OF 49 DAVID STREET YOKINE

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:

(SECOND SCHEDULE)

1. EASEMENT BURDEN CREATED UNDER SECTION 27A OF T. P. & D. ACT - SEE DIAGRAM 89010.

Warning:

A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.

----------END OF CERTIFICATE OF TITLE----------

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:

PREVIOUS TITLE:

PROPERTY STREET ADDRESS: LOCAL GOVERNMENT AUTHORITY:

2083-272 (305/D89010)

2083-271

11 BERNARD ST, WEST LEEDERVILLE. TOWN OF CAMBRIDGE

REGISTRAR OF TITLES

(T N474329)

REGISTERED 3/11/2016

PATENTS AND GRANTS

We obtained the 2023 Patents Report **(attached as Annexure A)**

This indicates patents were granted to POI 2 and POI 3 and POI 2/3 Companies (page 28) in 2022.

Assignments before Grant, Section 113 2022

2022903090 KOLODZIEJCZYK, Bartlomiej; WINTHER-JENSEN, Bjorn The application has been assigned to ELEMENT ZERO PTY LIMITED

2022903744 KOLODZIEJCZYK, Bartlomiej The application has been assigned to PROTON SYSTEMS PTY LIMITED

SOCIAL MEDIA SEARCHES

RANTHINI MANIRAJAN

The POI 2 wife has a Facebook Profile however the profile page is locked/private. The profile indicates she resides in Melbourne.

https://www.facebook.com/ranthini

Instagram

The POI 2 wife was not located on Instagram

No other significant searches were conducted due to time constraints.

BARTLOMIEJ PIOTR KOLODZIEJCZYK

POI 2 has a Facebook account. His last post was in 2022 when he was awarded the OA. His profile photo depicts he is with a small boy which would appear to be his son. The profile indicates he resides in Melbourne.

There are several posts however none of them mention the current work he is currently doing which is the subject of your proposed legal action.

Bartłomiej Kołodziejczyk

https://www.facebook.com/bartlomiej.kolodziejczyk1

Post 26 January 2022 about being awarded the OA

Post 27 February 2018 indicated he just got married

Instagram

POI 2 also has an Instagram account however there is little useful information on his profile.

https://www.instagram.com/bartlomiej.kolodziejczyk/

bartlomiej.kolodziejczyk

3 posts
194 followers
257 following

LinkedIn

The subject has a LinkedIn account however we have not attempted to view this as the viewings are highlighted to the account holder.

Twitter / X

POI 2 has a Twitter X account and has published recently however we can't fully access the account as our own account and associated accounts have been blocked at this time.

We will arrange for one of our investigators to attempt to review and get back to you with his posts as we believe they relate to his current work.

MEDIA AND INTERNET SEARCHES

Media searches revealed numerous of articles in print, online media and internet search results.

The article already provided in POI 1 background was the only one located in the SMH

Published SMH and FR April 15, 2024 by Anne Hyland

The iron men with a $3 billion plan to save the planet

The iron men with a $3 billion plan to save the planet

Two former Fortescue executives want to reduce the enormous carbon footprint of iron ore, Australia's most lucrative export industry. It'll cost at least $3 billion.

Mining.com

Article already highlighted in POI 1 report

https://www.mining.com/former-fortescue-execs-launch-green-iron-start-up/

Two former executives that worked at Fortescue's clean energy initiatives, Michael Masterman and Bart Kolodziejczyk, have launched a start-up that aims to cut carbon emissions of the Australian iron ore sector without using the hydrogen and membrane technology backed by their former employer.

After raising $10 million this week in seed funding, led by venture capital firm Playground Global, the partners said they are ready to fund green materials-related research and development conducted by their firm Element Zero.

Through the firm's patented electro-reduction method, the start-up is already turning iron ore into "green iron" at laboratory scale. Using an alkaline solution and electric current, the method can separate pure iron from waste products present in the ore.

According to its founders, Element Zero's patented process works well for the hematite ores that dominate the Australian iron ore industry and it can also be used with other metals, such as nickel.

Mining Weekly January 2024

Already highlighted in POI 1 report.

https://www.miningweekly.com/article/start-up-aims-to-transform-wa-from-worlds-mine-into-worlds-foundry-2024-01-19

Perth-headquartered Element Zero, a green materials platform company launched by former Fortescue executives, has raised $10-million in seed funding for its pioneering zero-carbon metal conversion technology.

The funding, led by Playground Global, will be used to grow research and development, engineering and project development teams and scale the development of a pilot iron plant.

Cofounded by former Fortescue Future Industries CFO and chief investment officer Michael Masterman and former Fortescue Metals Group chief scientist Bart Kolodziejczyk, Element Zero has created a low-temperature mineral processing platform that uses renewable energy to convert iron-ore to iron.

"Our processing platform will, for the first time, allow cost-effective and scalable production of carbon-free metals crucial to the iron and steel and critical metals industries," said Masterman.

The non-aqueous electrochemical process allows Element Zero to process the full spectrum of iron ores; this includes the core 95% of Australian and Brazilian global trade in iron-ore. Currently, lower grade iron-ore cannot be processed using hydrogen-fed direct iron reduction or other lower carbon processing technologies.

Element Zero said the technology had been tested successfully on iron-ore, nickel, and other future-facing metals. The lower temperature also allows Element Zero to run this process on intermittent renewables like wind, solar and hydropower.

Based adjacent to the largest iron-ore ports in the world, responsible for exporting nearly 55% of the world's seaborne iron-ore supply, Element Zero plans to develop five-million tonnes a year of iron-ore feed, producing about 2.7-million tonnes of high purity iron.

"Element Zero will help transform Western Australia from the world's mine into the world's foundry, dramatically reducing carbon emissions in the process," said Playground Global cofounder Peter Barrett, who has joined the Element Zero board.

"Australia is poised to become a leader in resilient and sustainable global prosperity – its natural wealth in minerals and renewable energy, blended with innovation in electrochemistry and new materials, will cement its leadership in the energy transformation. Element Zero is a major catalyst in this shift and the Pilbara region in the north of Western Australia stands as the premier location globally to showcase the company's potential," added Barrett.

OTHER SEARCHES

There are extensive other listings relating to POI 2 a number of which are in Polish and he appears to be tied with the Polish community in Victoria.

It is noted he has been a presenter at the World Economic Forum . This article highlights the POI 2 is involved in a number of companies as indicated in our ASIC searches.

https://www.weforum.org/agenda/authors/bart-kolodziejczyk/

Bartlomiej Kolodziejczyk is an innovator whose portfolio includes three technology companies and three not-for-profit organizations. Bart holds nine degrees, including a PhD in materials engineering, a PhD in microelectronics, master's in renewable energy science, master's in political science. Over the last 15 years, Bart has worked in the solar and wind sector as well as hydrogen and cleantech start-ups. Bart is Associate Director at Bonston Consulting Group in Melbourne, Australia. Until end of 2021, Bart served as Chief Scientist for Fortescue Metals Group Ltd., the fourth-largest iron ore producer globally. Previously, he has held roles including Visiting Professor and Chief Technology Officer. Bart has also advised the United Nations, NATO, OECD, G20, World Energy Council, SAE International, and European Commission on science, technology, innovation, and policy. He was named one of MIT Technology Review's Innovators Under 35 for his work on conductive polymers and biosensors and received Advance Award in Sustainability. In 2022, Kolodziejczyk was awarded the Order of Australia for service to science in the field of hydrogen energy. Dr. Kolodziejczyk has several patents to his name. Bart has appeared in numerous publications, including SBS, BBC, ABC, Forbes Magazine, Business Insider, and many more. Kolodziejczyk is an alumnus of the Global Young Academy, an active IUCN Commission Member, a Fellow of the Royal Society of Arts, Fellow of the Institution of Engineering and Technology, Fellow of the Explorers Club, and a Fellow of the Royal Society of Chemistry, among others. Bart enjoys traveling and scuba diving.

BOSTON CONSULTING GROUP

A search indicated further background information

https://www.bcg.com/about/people/experts/bart-kolodziejczyk

Bart Kolodziejczyk joined Boston Consulting Group in March 2022. He is a leader in the firm's work on hydrogen and clean technologies. Bart advises clients from around the world on hydrogen, batteries, clean technologies, and decarbonization—with an emphasis on decarbonization strategy, project development, and optimization; and investment in emerging technologies and revenue streams.

Over the last 15 years, Bart has worked in the solar and wind industry, as well as for hydrogen and cleantech startups. Before joining the firm, Bart served as Chief Scientist for Fortescue Metals Group Ltd., the fourth-largest iron ore producer globally. Previously, he held roles including Visiting Professor and Chief Technology Officer.

Bart has also advised the United Nations, NATO, OECD, G20, World Energy Council, World Economic Forum, SAE International, and European Commission on science, technology, innovation, and policy. Bart holds several patents and has been published in and appeared on numerous media outlets, including SBS, BBC, ABC, Forbes Magazine, Business Insider, and many more. He is an alumnus of the Global Young Academy, an active IUCN Commission Member, a Fellow of the Royal Society of Arts, Fellow of the Institution of Engineering and Technology, Fellow of the Explorers Club, and a Fellow of the Royal Society of Chemistry, among others. Bart is actively involved in his local community, providing volunteering, mentorship, and science-related education.

EDUCATION

PhD, materials engineering, Monash University

PhD, microelectronics, École des Mines de Saint-Étienne

MSc, renewable energy science, University of Iceland

MSc, geographic information systems and earth observation for environmental modeling and natural resource management, Lund University

MSc, European studies, University of Gothenburg

MSc, IT project management, Stockholm University

MSc/BSc, engineering and mechanical engineering, Rzeszow University of Technology

HONORS AND AWARDS

Order of Australia for service to science in the field of hydrogen energy, 2022

MIT Technology Review's Innovators Under 35

Advance Award in Sustainability

PUBLICATIONS AND VIDEOS

https://www.bcg.com/publications/2022/a-focus-on-the-steel-making-industry

https://www.bcg.com/publications/2019/the-future-of-sustainability

https://www.bcg.com/publications/2019/hydrogen-power-is-safe-and-here-to-stay

SBS Article / Podcast from 2019

https://www.sbs.com.au/language/polish/en/podcast-episode/nanoparticles-of-plastic-in-our-blood/yn3isxnm2?fbclid=IwZXh0bgNhZW0CMTEAAR3xhX_mHV7bM0kfRdwgHxq424ucYyvg1Q-lR1Vd0bruywNlvcFi2Gju1d8_aem_Aclwbg6bSmtR1wnpkt3RFACnPv233GuxKiV61yf7B2j4zkfyttBPe3JWKMBhTLYqq6P2suGS2ffaJCOAIGh4Pgpn

There are many more article, photos, search results available.

The World Economic Forum

Bart Kolodziejczyk - Agenda Contributor | World Economic Forum

Boston Consulting Group

Bart Kolodziejczyk

Innovators Under 35

Bartłomiej Kołodziejczyk | Innovators Under 35

Global Young Academy

Bartlomiej Kolodziejczyk - Global Young Academy

The Royal Society of Chemistry

Bart Kolodziejczyk | RSC member case study

X.com

Bart Kolodziejczyk（@BartKolodziejc）さん / X

X.com

Bart Kolodziejczyk（@BartKolodziejc）さん / X

Polish Australian Business Forum

Polish Australian Business Forum (PABF) - Bart Kolodziejczyk

Traces.Dreams

Bart Kolodziejczyk - Traces.Dreams

YouTube

Innovators35EU - Bartłomiej Kołodziejczyk Enhances The Polymerization Of New Materials - YouTube

X.com

Bart Kolodziejczyk（@BartKolodziejc）さん / X

COMMENT AND RECOMMENDATION

Due to the urgent nature of the background investigation and the set limited budget, several areas that include property, search engine articles and social media have only received basic investigations.

If you consider pursuing a costs order and damages, we recommend a full background investigation is carried out on Kolodziejczyk in all State's Land Titles Office to confirm his property and assets.

Investigations are continuing and we will report promptly on our findings.

We trust this information helps in the conduct of this matter.

Regards

ROBERT LANCASTER
DIRECTOR

Lancasters
Investigations

For the use of client legal advisers – Privileged

22 April 2024

Darren Perry
Partner
Seyfarth Shaw Australia
1 Farrer Place
NSW 2000

CC
Adrian Huber
adrian.huber@fortescue.com

Phil McKeiver
phil.mckeiver@fortescue.com

Dear Darren,

YOUR REF: TBA
REF: WINTHER-JENSEN BACKGROUND
OUR REF: 24.422.03

We thank you for your instructions in this matter and we now submit our background investigation report for your perusal. In accordance with your instructions an urgent background investigation was carried out on the person of Interest (POI 3) BJORN WINTHER-JENSEN

POI 3 **BJORN WINTHER-JENSEN**

Date of Birth:	**09/04/1960**
Place of Birth:	**GLADSAXE, DENMARK**
Address	**UNIT 4, 213 GILDERCLIFFE STREET SCARBOROUGHWA6019**
Wife	**Orawan Winther-Jensen**
Children	**None located**

ASIC SEARCHES

We conducted extensive searches on ASIC data bases and located two files with ASIC relating to POI 3

FILE 1

Historical Personal Name Extract for: WINTHER-JENSEN, BJORN

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001.

PERSONAL DETAILS

Name:	**WINTHER-JENSEN,BJORN**
Date of Birth:	**09/04/1960**
Place of Birth:	**GLADSAXE, DENMARK**

ROLES HELD

Current Director	**PROTON SYSTEMS PTY LIMITED**
ACN:	664545331
ABN:	21664545331
Registered	
Australian Proprietary Company	
Address	UNIT 4, 213 GILDERCLIFFE STREET SCARBOROUGHWA6019
Start date	16/12/2022
File No	3EQA03194

Former Director	**ELEMENT ZERO PTY LIMITED**
ACN:	664342081
ABN:	38664342081
Registered	Australian Proprietary Company
Address	UNIT 4, 213 GILDERCLIFFE STREET SCARBOROUGHWA6019
Start date	07/12/2022
Cease date	11/01/2024
File No	3EPJ34874

FILE 2

Historical Personal Name Extract for: WINTHER-JENSEN,BJORN

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001.

PERSONAL DETAILS

Name:	**WINTHER-JENSEN,BJORN**
Date of Birth:	**Unknown**
Place of Birth:	**Place Unknown**

Note: This information may relate to more than one person. Where birth details are not recorded for persons with the same name, their information may be displayed under a single name entry.

SHAREHOLDINGS

Status	Class	No. Held	Beneficially Held	Fully Paid	Share Issuer Details	Joint Holding	Doc Number
Current	ORD	1000	Yes	Yes		No	5EHD87228
Current	ORD	1000	Yes	Yes		No	3EQA03194

COMPANY SEARCHES

Company searches carried out on the Masterman background also tie in with POI 3.

Name:	**NORTH WA IRON PTY LTD**
A.C.N:	670 889 666
Status:	Registered
Registered in:	**WA**
Registration Date:	**29/08/2023**
Review Date:	29/08/2024
Holding Company:	**ELEMENT ZERO PTY LIMITED**
Name Start Date:	**29/08/2023**
Type:	Australian Proprietary Company
Org Number Type:	Australian Company Number
Details Start Date:	29/08/2023
Class:	Limited By Shares
Subclass:	Proprietary Company
Disclosing Entity:	No
Registered Charity:	No

ORGANISATION ADDRESS

Registered Office	MITCHELL & PARTNERS SUITE 3 LEVEL 2 66 CLARENCE STREET SYDNEY NSW 2000
Start date	29/08/2023
Doc No	5EIC87256

Principal Place of Business **UNIT 4, 213 GILDERCLIFFE STREET SCARBOROUGH WA 6019**

This is Bjorn Winther-Jensen residential address

Start date 29/08/2023

Doc No 5EIC87256

ORGANISATION OFFICERS

Director **MICHAEL GEORGE MASTERMAN**

Date of Birth: 07/01/1963

Place of Birth: SYDNEY NSW

Address: [redacted]

Start date 29/08/2023

Doc No 5EIC87256

Ultimate Holding Company **ELEMENT ZERO PTY LIMITED**

ACN: 664 342 081

ABN: 38 664 342 081

SHARE STRUCTURE

Share Class	No. Issued	Amount Paid	Amount Unpaid	Doc Number
ORD (ORD)	1	$1.00	$0.00	5EIC87256

SHAREHOLDERS

Class	No. Held	% Held	Beneficially Held	Fully Paid
ORD	1	100%	Yes	Yes

Shareholder Details

ELEMENT ZERO PTY LIMITED

SUITE 3 LEVEL 2 66 CLARENCE STREET SYDNEY NSW 2000

ACN: 664 342 081

ABN: 38 664 342 081

Doc No 5EIC87256

DOCUMENTS

Form Code	201
Description	201C Application For Registration as a Proprietary Company
Number of pages	3
Effective	29/08/20
Doc No	5EIC87256

COMPANY SEARCH 2

Name:	**PROTON SYSTEMS PTY LIMITED**
A.C.N:	**664 545 331**
A.B.N:	**21 664 545 331**
Status:	Registered
Registered in:	NSW
Registration Date:	**16/12/2022**
Review Date:	16/12/2024
Name Start Date:	21/12/2022
Type:	Australian Proprietary Company
Organisation Number Type:	Australian Company Number
Details Start Date:	**21/12/2022**
Class:	Limited By Shares
Subclass:	Proprietary Company
Disclosing Entity:	No
Registered Charity:	No

ORGANISATION ADDRESS

Registered Office	MITCHELL & PARTNERS SUITE 3 LEVEL 2 66 CLARENCE STREET SYDNEY NSW 2000

Start date	16/12/2022
Doc No	3EQA03194
Principal Place of Business	**5A VOLGA STREET HADFIELD VIC 3046**

This is Bartlomiej Piotr Kolodziejczyk residential address

Start date	16/12/2022
Doc No	3EQA03194

ORGANISATION OFFICERS

Director	**MICHAEL GEORGE MASTERMAN**
Date of Birth:	07/01/1963
Place of Birth:	SYDNEY NSW
Address	[redacted]
Start date	16/12/2022
Doc No	3EQA03194

Director	**BARTLOMIEJ PIOTR KOLODZIEJCZYK**
Date of Birth:	03/05/1985
Place of Birth:	RZESZOW POLAND
Address	5A VOLGA STREET HADFIELD VIC 3046
Start date	16/12/2022
Doc No	3EQA03194

Director	**BJORN WINTHER-JENSEN**
Date of Birth:	09/04/1960
Place of Birth:	GLADSAXE DENMARK
Address	**UNIT 4 213 GILDERCLIFFE STREET SCARBOROUGH WA 6019**
Start date	16/12/2022
Doc No	3EQA03194

SHARE STRUCTURE

Share Class	No. Issued	Amount Paid	Amount Unpaid	Doc Number
ORD (ORD)	3000	$3,000.00	$0.00	3EQA03194

SHAREHOLDERS

Class	No. Held	% Held	Beneficially Held	Fully Paid
ORD	1000	33%	No	Yes

Shareholder Details

Note this is Masterman's company

SYMMALL PTY. LIMITED

SUITE 3 LEVEL 2 66 CLARENCE STREET SYDNEY NSW 2000

ACN: 080 538 530

ABN: 18 080 538 530

Doc no: 3EQA03194

Class	No. Held	% Held	Beneficially Held	Fully Paid
ORD	1000	33%	Yes	Yes

Shareholder Details

BARTLOMIEJ PIOTR KOLODZIEJCZYK

5A VOLGA STREET HADFIELD VIC 3046

Doc No 3EQA03194

Class	No. Held	% Held	Beneficially Held	Fully Paid
ORD	1000	33%	Yes	Yes

Shareholder Details

BJORN WINTHER-JENSEN

UNIT 4 213 GILDERCLIFFE STREET SCARBOROUGH WA 6019

Doc No 3EQA03194

DOCUMENTS

205	205A Notification of Resolution Changing Company Name 2 21/12/2022 20/12/2022 7EBZ80363		21/12/2022
201	201C Application For Registration as a Proprietary Company 16/12/2022 16/12/2022 3EQA03194	3	16/12/2022

ACTIVE ABN

We noted Proton Systems have an active ABN. We obtained the ABN details that provided little other details than what was already obtained with the Company search.

Historical details for ABN 21 664 545 331

PROTON SYSTEMS PTY LIMITED

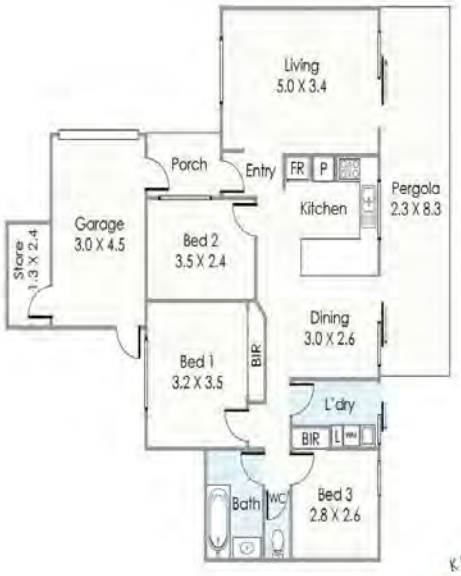
Start Date	18 Jan 2023	(current)	
ABN Status	Active 18 Jan 2023	(current)	
Entity type	Australian Private Company		
Goods & Services Tax	Registered	19 Jan 2023	(current)
Main business location	VIC 3046	18 Jan 2023	(current)

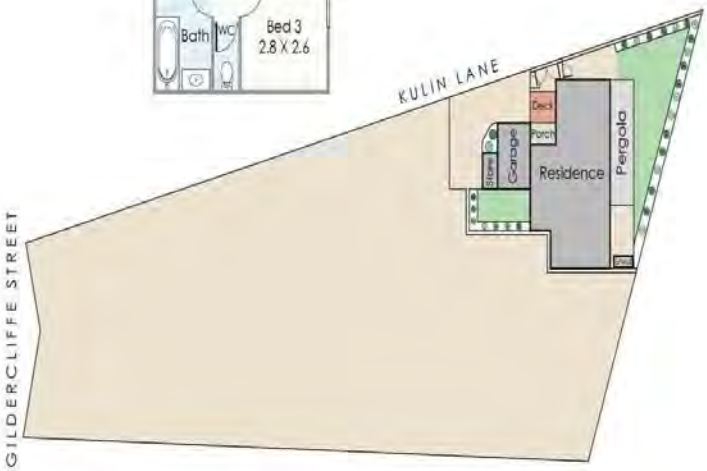
PROPERTY SEARCHES AND WA LTO CERTIFICATE OF TITLE

We conducted searches with the WA LTO and obtained the Certificate of Title to the address indicated on ASIC files. The Certificate of Title confirmed POI 3 owns the property with his wife Orawan Winther-Jensen.

UNIT 4, 213 GILDERCLIFFE STREET, SCARBOROUGH WA 6019

Property features 3 Bedrooms: 2 Car spaces: 1 Bathroom. Land size: 262 m², built 1989





Approximate Areas

Residence:	87m²
Garage:	14m²
Store:	3m²
Porch:	4m²
Pergola:	19m²
Total Area:	127m²

N

4/213 Gildercliffe Street, Scarborough

WA CERTIFICATE OF TITLE

UNIT 4, 213 GILDERCLIFFE STREET, SCARBOROUGH WA 6019

LAND DESCRIPTION:

LOT 4 ON STRATA PLAN 17209

TOGETHER WITH A SHARE IN COMMON PROPERTY (IF ANY) AS SET OUT ON THE STRATA PLAN

REGISTERED PROPRIETOR:

(FIRST SCHEDULE)

BJORN WINTHER-JENSEN

ORAWAN WINTHER-JENSEN

BOTH OF UNIT 4 213 GILDERCLIFFE STREET SCARBOROUGH WA 6019

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:

(SECOND SCHEDULE)

INTERESTS NOTIFIED ON THE STRATA PLAN AND ANY AMENDMENTS TO LOTS OR COMMON PROPERTY NOTIFIED THEREON BY VIRTUE OF THE PROVISIONS OF THE STRATA TITLES ACT OF 1985 AS AMENDED.

AS JOINT TENANTS

STATEMENTS:

PROPERTY STREET ADDRESS: LOCAL GOVERNMENT AUTHORITY:

SP17209

UNIT 4 213 GILDERCLIFFE ST, SCARBOROUGH. CITY OF STIRLING

(T O855535)

REGISTERED 31/8/2021

COURT DATABASE SEARCHES

We conducted extensive court searches both criminal and civil in all States and located a listing in a Civil matter involving Winther-Jensen

WINTHER-JENSEN, Bjorn

2019-04-30

State	**NSW**
Date	**2019-04-30**
Court	**NCAT**
Case Title	**Bjorn Winther-Jensen & Orawan Winther-Jensen** **v** **Karen Love & Liam Moore**
Case No.	**RT 19/16653**
Additional Info 1	**Port Macquarie**
Additional Info 2	Port Macquarie Court House, 22-26 Murray Street Port Macquarie NSW

PATENTS AND GRANTS

Patents were granted to POI 2 and POI 3 and POI 2/3 Companies in 2022.

Assignments before Grant, Section 113 2022

2022903090 KOLODZIEJCZYK, Bartlomiej; WINTHER-JENSEN, Bjorn The application has been assigned to ELEMENT ZERO PTY LIMITED

2022903744 KOLODZIEJCZYK, Bartlomiej The application has been assigned to PROTON SYSTEMS PTY LIMITED

PUBLICATIONS

Bjorn Winther-Jensen Has published 157 articles in various

science related publications.

https://www.researchgate.net/profile/Bjorn-Winther-Jensen

Of significant interest is the Published Patent (PDF attached Annexure B) by POI 3 and POI 2.

We note this was lodged for Applicant(s)
FORTESCUE FUTURE INDUSTRIES PTY LTD
Date of Filing: 2021.08.11

However we also note the date indicated for the patent is indicated as
Patent · February 2024

Yet it appears this technology is indicated in the Patents that were granted to POI 2 and POI 3 and POI 2/3 Companies in 2022.
Assignments before Grant, Section 113 2022 2022903090 KOLODZIEJCZYK, Bartlomiej; WINTHER-JENSEN, Bjorn The application has been assigned to ELEMENT ZERO PTY LIMITED

Note that these details are copied from the PDF obtained and the
PDF gives a more accurate view of the information contained herein.
Refer to Annexure B

Apparatus and process for producing iron

Patent · February 2024

2 authors:

Bjorn Winther-Jensen

BWJ Materials Consultant

157 PUBLICATIONS

Bartlomiej Kolodziejczyk

Fortescue Metals Group

19 PUBLICATIONS

ABSTRACT

An apparatus for producing iron, wherein the apparatus includes an electrochemical reactor for reducing iron ore to iron. The electrochemical reactor may be in the form of a fluid-bed reactor. Alternatively, the electrochemical reactor may be in the form of an electrochemical flow reactor.

The electrochemical reactor may have a primary catholyte chamber for containing catholyte on one side of an electrochemical cell and a primary anolyte chamber for containing anolyte on another side of the electrochemical cell.

A method of producing iron, wherein the method includes the step of using an electrochemical reactor for reducing iron ore to iron. The iron ore may be in the form of iron ore powder. The iron ore may be in the form of particles dispersed in a highly concentrated aqueous sodium hydroxide solution.

APPARATUS AND PROCESS FOR PRODUCING IRON FIELD OF THE INVENTION

The present invention relates to an apparatus and process for producing iron and, more generally but not exclusively, to a method of producing steel with zero-emissions 5 energy.

BACKGROUND TO THE INVENTION

It is well-known to produce iron from iron ore, however the present applicant has identified that the typical processes for producing iron from iron ore require intense and sustained energy input. In particular, the applicant has identified that existing processes for producing iron from iron ore would not be suitable for use with a highly intermittent power supply such as from renewable energy sources including wind and solar energy.

In traditional steelmaking processes, approximately two tones of carbon dioxide are produced for every tonne of steel produced. The term "green steel" (or "green iron") has been given to steel (or iron) which is produced with less carbon dioxide being generated in the process.

Examples of the present invention seek to provide an apparatus and process for producing iron which alleviates or at least ameliorates one or more disadvantages ofexisting processes for producing iron.

SUMMARY OF THE INVENTION

In accordance with one aspect of the present invention, there is provided an apparatus for producing iron, wherein the apparatus includes an electrochemical reactor for reducing iron ore to iron.

Preferably, the electrochemical reactor is in the form of a fluid-bed reactor. More preferably, the fluid bed reactor has a primary catholyte chamber having a cathode and a primary anolyte chamber having an anode. Even more preferably, the primary catholyte chamber contains iron ore powder suspended in a catholyte.

APPARATUS AND PROCESS FOR PRODUCING IRON FIELD OF THE INVENTION

The present invention relates to an apparatus and process for producing iron and, more generally but not exclusively, to a method of producing steel with zero-emissions 5 energy.

BACKGROUND TO THE INVENTION

In one form, the fluid bed reactor has an ion-conducting membrane separating the primary catholyte chamber from the primary anolyte chamber. In other forms, the fluid bed reactor may operate without a membrane.

Preferably, the electrochemical reactor is in the form of an electrochemical flow reactor. More preferably, the electrochemical reactor has a primary catholyte chamber for containing catholyte on one side of an electrochemical cell and a primary anolyte chamber for containing anolyte on another side of the electrochemical cell.

Preferably, the catholyte is in the form of a powder slurry having suspended ore powder, circulated over a cathode. More preferably, the apparatus includes a pump for 10 circulating the catholyte. Even more preferably, the apparatus includes a first pump for circulating the catholyte and a second pump for circulating the anolyte.

In a preferred form, the pump forms part of a pumping system external to the primary catholyte chamber. The pumping system may include a secondary catholyte chamber. The plurality of catholyte chambers may provide multiple electrochemical cells whereby reduction of the ore powder is extended over the plurality of cells to achieve complete reduction. Multiple electrochemical cells may be stacked to allow increasing the capacity of the system while minimising a footprint of the required system.

Preferably, the flow reactor includes a separator for separation/extraction of reduced iron particles. More preferably, the flow reactor includes a magnetic separator for magnetic separation of reduced iron particles. More preferably, the magnetic separator allows non-

reduced iron ore particles to continue to flow for further reduction cycles. The applicant has determined that different separator techniques may be used, particularly those which may be suitable for use with magnetite iron ore.

In one form, the flow reactor includes a source of iron ore particles for metered introduction of iron ore particles into the flow of the catholyte.

Preferably, a cathodic potential is applied to the magnetic separator to force a complete reduction.

In a preferred form, the iron ore is in the form of iron ore powder. More preferably, the iron ore is in the form of iron ore powder having a particle size of less than or equal to 20 um, and more preferably 10 um or smaller. The applicant has identified that a narrow distribution of the particle size is important, as having different particle sizes in the system will require different reduction rates/times.

Preferably, the apparatus includes a cathode formed of a material selected to have inferior catalytic properties for a water reduction reaction and good charge-transfer properties to iron ore particles. More preferably, the cathode is formed of a glassy carbon material. In another form, the cathode may be formed simply from steel. Even more 10 preferably, the cathode is formed to prevent adhesion of iron particles to the cathode. In one form, the apparatus includes sonication, pulsed electrical currents, and/or high-speed catholyte flow to prevent iron particles from adhering to the cathode.

It is preferred that the apparatus is adapted to perform the reaction at a temperature less than 130 °C. More preferably, the apparatus is adapted to perform the reaction at a 15 temperature between 85 °C and 130 °C. Even more preferably, the apparatus is adapted to perform the reaction at a temperature between 100 °C and 110 °C.

Preferably, the apparatus is arranged to provide electrochemical parameters of between 1.5 V and 2.5V and 0.1 to 1 A/cm?. More preferably, the apparatus is arranged to provide electrochemical parameters of between 1.5 V and 1.9V and0.1 to 0.3 A/cm?. More preferably still, the apparatus is adapted to provide electrochemical parameters of 1.66 V and 0.2 A/cm?.

In accordance with another aspect of the present invention, there is provided a method of producing iron, wherein the method includes the step of using an electrochemical reactor for reducing iron ore to iron.

Preferably, the iron ore is in the form of iron ore powder. More preferably, the iron ore is in the form of particles dispersed in a highly concentrated aqueous hydroxide solution. Even more preferably, the solution includes up to 50% sodium hydroxide (NaOH). It will be appreciated by those skilled in the art that other forms of hydroxide may be used as alternatives to sodium hydroxide. For example, aqueous potassium hydroxide (KOH) may be used, or mixtures of KOH and NaOH.

The iron ore may be pre-treated before, after or between different steps in the grinding process to remove impurities that may otherwise accumulate in the electrolyte during the electrochemical reduction process or may complicate the post-treatment of reduced iron powder to an export grade of iron or steel. Examples of these impurities are alkali chlorides, alumina, silica and sulphur species. The pre-treatment process may include exposure of the iron ore to acidic or alkaline solutions at elevated temperature and pressure to enhance the removal of the impurities. In particular, pre-treatment in a highly alkaline environment to remove alumina and silica (by dissolution) from the ore, in line with the well-known Bayer Process, is suitable for preparing the iron ore powder for the electrochemical reduction process as well as providing a route to a higher-grade iron end- product.

BRIEF DESCRIPTION OF THE DRAWINGS

Preferred embodiments of the invention will be described, by way of a non-limiting example only, with reference to the accompanying drawings in which:

Figure 1 shows a flow chart for production of green iron and green steel; Figure 2 shows a fluidised bed layout for ore reduction;

Figure 3 shows a flow reactor for ore reduction (first iteration);

Figure 4 shows a flow reactor for ore reduction (second iteration); and Figure 5 shows a flow reactor for ore reduction (third iteration).

DETAILED DESCRIPTION

With reference to Figures 1 to 5, there are described examples of electrochemical reactors, together with methods of producing iron from iron ore, in accordance with embodiments of the present invention. Advantageously, examples of the present invention may provide superior efficiency compared to other technologies for producing iron, as well as low operating temperatures which allow coupling the process to a highly intermittent power supply, such as a power supply from renewable energy (for example, wind and/or solar). The applicant has identified that efficiency is linked to the low operating temperature enabled by examples of the present invention. Furthermore, low temperature operation may also advantageously provide the ability to switch on and off the system more quickly, for example, within minutes/seconds.

More specifically, Figure I shows a flow chart for the production of green steel using an electrochemical reactor 10 for the reduction of hematite iron ore to metallic iron.

In particular, a mill 56 is used in iron ore powder manufacturing with a particle size of 10 micrometres being the target size. Subsequently, the iron ore powder from the mill 56 may be fed to the electrochemical reactor 10 which electrochemically reduces the iron ore powder to metallic iron. The raw hematite ore powder from the mill 56 may contain around 5- 30%, or more, of impurities. These impurities are up-concentrated during the reduction of hematite to iron at the electrochemical reactor 10, due to removal of oxygen from the ore. This relatively high level of impurities has to be removed in the steel-making process (where the iron has to be melted anyway). This process can either be done onshore or at the export destination. The flowchart shows that the metallic iron from the electrochemical reactor may be either exported as raw green iron (see reference 58 representing export of raw green iron), or may undergo purification/steelmaking onshore (see reference 60) with the addition of carbon in an electrical shaft furnace or similar to reduce the impurities to 1to 3%. Export of green steel with 1 to 3% impurities is represented by reference 62.

Turning to Figure 2, showing a fluidised bed layout for ore reduction, there is provided an apparatus for producing iron, the apparatus including an electrochemical reactor for reducing iron ore to iron. In this example, the electrochemical reactor is in the form of a fluid-bed reactor. The fluid bed reactor has a primary catholyte chamber having a cathode and a primary anolyte chamber having an anode. The primary catholyte chamber contains iron ore powder suspended in a catholyte.

The fluid bed reactor has an ion-conducting membrane separating the primary catholyte chamber from the primary anolyte chamber. In other examples, the fluid-bed reactor may operate without a membrane.

In the electrochemical fluid-bed reactor layout, the hematite ore powder is kept fluidized in the same reactor volume until the reduction to iron has occurred. The powder is kept fluidized by circulation the catholyte from bottom to top of the reactor. As such, the fluid bed reactor layout provides a batch process.

By using e.g., magnetic separation for continuous or sequential removal of the iron powder product and by simultaneously adding fresh hematite powder to the reactor, the process can be made continuous.

With reference to Figure 3, in another example, the electrochemical reactor is in the form of an electrochemical flow reactor for ore reduction. The electrochemical flow reactor has a primary catholyte chamber for containing catholyte on one side of an electrochemical cell and a primary anolyte chamber for containing anolyte on another side of the electrochemical cell. In the example shown, the catholyte is in the form of a powder slurry having suspended ore powder, circulated over a cathode. The apparatus includes a pump for circulating the catholyte. In particular, the apparatus includes a first pump for circulating the catholyte and a second pump for circulating the anolyte.

As shown in Figure 3, the pump forms part of a pumping system external to the primary catholyte chamber. Example flow reactors in accordance with embodiments of the invention may implement features used electrochemical flow reactors used for molecular reactions on pilot and industrial scales.

The applicant has determined that, for the reduction of powders, one can visualise a flow reactor layout as a way to upscale a fluid-bed reactor, where the powder slurry is circulated over the cathode and through the external pumping system. Multiple cells can be connected in series or parallel (which may be an advantage of flow reactors), so the reduction of powder can be extended over a series of cells to secure complete reduction (in this case to iron) and/or to increase quantity of produced commodity while maintaining minimal system's footprint.

Figure 4 shows a flow reactor for iron ore reduction (second iteration). In an electrolyser, hydrogen gas is separated from a electrolyte in a liquid/gas separator. The applicant has identified that, in a similar manner, for the separation of iron particles one possibility for separation from the electrolyte is to use magnetic separation of reduced, metallic iron particles. The magnetic separation will allow "un-reduced* iron ore particles to continue in the flow for further reduction cycles.

Accordingly, the flow reactor includes a magnetic separator for magnetic separation of reduced iron particles. The magnetic separator allows non-reduced iron ore particles to continue to flow for further reduction cycles.

As shown in Figure 4, the flow reactor may include a source of iron ore particles for metered introduction of iron ore particles into the flow of the catholyte.

Figure 5 shows a flow reactor for iron ore reduction (third iteration) having multiple cells. The applicant has identified that there exists a real possibility that hematite particles can be partially reduced to magnetite in the flow reactor (i.e., incomplete reduction). Such magnetite particles would be captured by the magnetic separation at the magnetic separator and it may be an advantage to add a cathodic potential to the magnetic separator to force a complete reduction of the magnetite (containing) particles. A practical setup contains multiple cells (extended pass way) to secure as complete reduction as possible in the (first) step before magnetic separation, so the amount of reduction reaction required on the magnetic separator would be minimal.

In the example shown in Figure 5, the pumping system includes a secondary catholyte chamber. The plurality of catholyte chambers may provide multiple electrochemical cells whereby reduction of the ore powder is extended over the plurality of cells to achieve complete reduction.

The iron ore may be in the form of iron ore powder. In particular, the iron ore may be in the form of iron ore powder having a particle size of less than or equal to 20um.

The cathode may be formed of a material selected to have inferior catalytic properties for a water reduction reaction and good charge-transfer properties to iron ore particles. In one form, the cathode may be formed of a glassy carbon material. The reaction at a temperature between 100 °C and 110 °C.

Also, the apparatus may be arranged to provide electrochemical parameters of between 1.5 V and 2.5 V and 0.1 to 1 A/cm?. More particularly, the apparatus may be arranged to provide electrochemical parameters of between 1.5 V and 1.9 V and 0.1 to 0.3 A/cm?. In one form, the apparatus may provide electrochemical parameters of 1.66 V and 0.2 A/cm?.

As will be appreciated from the above, another aspect of the invention provides a cathode may be formed to prevent adhesion of iron particles to the cathode. The apparatus may use sonication, pulsed electrical currents, and/or high-speed catholyte flow to prevent iron particles from adhering to the cathode.

The apparatus may be adapted to perform the reaction at a temperature less than 130°C. More specifically, the apparatus may be adapted to perform the reaction at a temperature between 85 °C and 130 °C. In one particular form, the apparatus may perform method of producing iron, wherein the method includes the step of using an electrochemical reactor for reducing iron ore to iron. The iron ore may be in the form of iron ore powder. More specifically, the iron ore may be in the form of particles dispersed in a highly concentrated aqueous sodium solution. The solution may include up to 50% sodium hydroxide. As mentioned above, the applicant has determined that other forms of hydroxide may be used for electrolyte, such as KOH and the like.

PROCESS DESCRIPTION

In one example, the iron ore may be in the form of hematite iron ore. In this case, hematite iron ore particles are ground to 1- 20 um size and fed into the reactor. The process may be performed in a close autoclave-like reactor, with graphite cathode electrode and ultra-pure (99.999%) nickel mesh anode electrode. Ultra-fine hematite particles will be dispersed in a highly concentrated aqueous sodium hydroxide solution (up to 50% NaOH).

The reaction will be performed at 100 to 110 °C (below the boiling point of the electrolyte). The electrochemical parameters of the process are 1.5 to 2.5 Voltsand 0. 1to 1A/cm?.

More specific electrochemical parameters of the process are 1.5 to 1.9 Volts and 0.1 to 0.3 A/em?. However, optimal parameters are likely to be 1.66 V and 0.2 A/cm?. The reaction will be performed with a stirrer or agitator to keep the iron ore particles 54 uniformly dispersed within the electrolyte.

For 1 kg of green iron per day production, a 460 cm? electrode is required. Approximately 3.6 kWh of energy is required to produce 1 kg of iron (3.6 MWh/tonne of 5 iron), but the applicant foresees that this could be reduced further. For comparison, existing technology based on molten oxide electrolysis (at 1,500 °C) requires >4.0 kWh/kg, while energy contained in coal used in traditional steelmaking processes can range from between

5.2 ot 5.6 kWh/kg of iron. Accordingly, the present invention has the potential to greatly reduce the amount of energy required to produce iron.

The applicant has also made significant advances in electrode technology and specifically in relation to electrode materials. The applicant has determined that the cathode may potentially be made of glassy carbon or simply steel/iron. Several candidates for higher performance anode electrodes have been identified that could allow to reduce overpotential. The applicant foresees that the same process can also be deployed for the reduction of magnetite and goethite.

The main advantages of this process may include:

• continuous operation,

• superior efficiency compared to other technologies; and

• low operating temperature, which allows coupling this process with a highly

intermitted power supply, including wind and solar.

The solid-state electrochemical process (FexOy >- XFe + 1⁄2 0 2) under alkaline conditions has been used previously as a cathode process in batteries. The applicant

recognises that Fe(OH)x plays a limiting role as intermediate for the reaction at temperatures below ~80 °C.

For the applicant, a solid-state reduction of the current hematite ore qualities would produce a "raw" green steel with about 14% oxide impurities (mainly from SiO, and A1203). Reduced magnetite concentrates would have around 10% oxide impurities. This suggests that a down-stream process for the removal of impurities would be appropriate in order to obtain a high-quality export product. This consideration allows to revisit the physical-form-requirement for the product coming out of the electrochemical reduction of ore; if the product goes into a down-stream molten-state process, there is not much need for the product to be a coherent steel plate - it could just as well be in the form of raw iron powder. The applicant has determined that this widens the possibilities for upscaling the process.

Design Details

The following design details have been identified by the applicant:

Cathode material. The water reduction reaction is a likely competing reaction to the reduction of iron ore to metallic iron. i.e., the thermodynamic reduction potentials are very similar in the alkaline regime. This indeed has been one of the main hurdles in achieving high efficiencies in all electrochemical iron deposition attempts from solution as well as in the solid state - with effectively iron electrodes, hydrogen has been a significant by-product. In the case of a flow-reactor setup, the intention is that no deposition should occur on the cathode (the reduced particles should remain in dispersion), which means that the properties of the cathode material, in principal, remains unchanged during operation. This gives the opportunity to select materials with inferior catalytic properties for the water reduction reaction but with good charge-transfer properties to iron ore particles. One such material could be glassy carbon, which provides large overpotential for the water reduction process and otherwise good charge-transfer properties.

The prevention of iron particles adhering to the cathode is a potential issue. Having a vertical cathode arrangement is a reasonable first point to apply. A second point is suitable choice of cathode materials (or cathode coatings/structure) that help prevent adhesion. A third point includes active methods to remove particles from the cathode surface. Here sonication, pulsed (electrical) currents and high-speed flow could be added during/part of the operation.

Periodical electrochemical removal of deposited. Periodical electrochemical removal of deposited iron on the cathode material may be included in the maintenance schedule for the equipment. Such electrochemical dissolution can be achieved by applying a more positive potential - above the thermodynamical equilibrium potential of iron - to the electrode, preferably with a neutral or acidic electrolyte solution dedicated for the maintenance procedure.

Electrolyte composition. Generally high concentrations (10 - 20 M) of NaOH have been used. It is anticipated that there can be used alternative electrolyte compositions, where a mixture of alkali-hydroxides are used (i.e., NaOH, KOH and LiOH). Such mixed electrolytes have indeed been adopted for the closely related "Edison" cell (Fe-Ni battery) on a commercial scale. A further possibility is to use high concentration of an otherwise neutral alkali salt (e.g., LiCI) in combination with alkali-hydroxides to obtain a so-called "water-in salt" electrolyte. The combined salt- concentrations should possibly remain in the 10 - 15 M range to provide similar properties as for the common NaOH electrolytes.

Operating temperature. The operation temperature must be above 85 °C to avoid the formation of Fe(OH)x species on the surface of the iron ore powder. Fe(OH)x acts as an inhibitor for the (further) reduction but becomes unstable at temperatures above 85 °C. Most reports use temperatures in the 100- 110 °C range. However, the high concentration electrolytes have boiling points (well) above 120 °C so there could be room for also operating in the 110 - 130 °C range.

Operating pressure. There is no reason to pressurize the electrolyte system other than what is needed to overcome pressure-loss in flow-system itself. The possible need for high flow-rates to avoid adherence of powder to the cathode may require a substantial electrolyte pressure at the inlet of the flow-reactor.

Membrane. The sketched layouts are all containing ion conducting membranes to separate the electrolyes on the anode and cathode side. Thereby re-oxidation o f iron particles on the anode is avoided as well as crossover of produced oxygen to the cathode. The particles are kept in one flow stream which will simplify the (magnetic) separation of iron particles from the electrolyte. However, the membrane adds a resistive element to the system and layouts could be developed to omit the membrane in the flow configuration. The membrane family distributed under the Agfa and ZIRFON trademarks have been identified as one potential membrane candidate. The list of possible membranes is not limited to those distributed under the Agfa trademark.

Direction of electrolyte flow. For simulating conditions in the fluid bed reactor, a vertical electrolyte flow "from ground up" may be applied. In this case, the size distribution of the iron ore power must be sufficiently narrow and/or the electrolyte flow high enough to avoid that larger particles are accumulated in the cell. It may therefore be an advantage to have a flow-direction following gravity, so particle accumulation is avoided.

Increase of electrode contact area. Electrode patterning to increase contact area and hence performance of the cell.

The separation of iron particles from the electrolyte. The separation can be performed on the low-pressure side of the flow-reactor and be by magnetic or by other means (e.g., cyclone separation). The electrolyte should be removed from the iron powder without exposing the iron power to oxidizing environments such as the combination of neutral water and air - using an inert atmosphere (e.g., nitrogen gas) may be optimal.

Purification. The impurities from the ore will largely remain in the metallic iron product. Preferably, the metallic iron particles should be transferred to a melting and purification step immediately after the flow-reactor to minimize re-oxidation of the particles in contact with air.

While various embodiments of the present invention have been described above, it should be understood that they have been presented by way of example only, and not by way of limitation. It will be apparent to a person skilled in the relevant art that various changes in form and detail can be made therein without departing from the spirit and scope of the invention. Thus, the present invention should not be limited by any of the above described exemplary embodiments.

The reference in this specification to any prior publication (or information derived in the field from it), or to any matter which is known, is not, and should not be taken as an acknowledgment or admission or any form of suggestion that that prior publication (or information derived from it) or known matter forms part of the common general knowledge of endeavour to which this specification relates.

THE CLAIMS DEFINING THE INVENTION ARE AS FOLLOWS:

An apparatus for producing iron, wherein the apparatus includes an electrochemical reactor for reducing iron ore to iron.

An apparatus as claimed in claim 1, wherein the electrochemical reactor is in the form of a fluid-bed reactor.

An apparatus as claimed in claim 2, wherein the fluid bed reactor has a primary catholyte chamber having a cathode and a primary anolyte chamber having an anode.

An apparatus as claimed in claim 3, wherein the primary catholyte chamber contains iron ore powder suspended in a catholyte.

An apparatus as claimed in claim 3 or claim 4, wherein the fluid bed reactor has an ion-conducting membrane separating the primary catholyte chamber from the primary anolyte chamber.

An apparatus as claimed in claim 1, wherein the electrochemical reactor is in the form of an electrochemical flow reactor.

An apparatus as claimed in claim 6, wherein the electrochemical reactor has a primary catholyte chamber for containing catholyte on one side of an electrochemical cell and a primary anolyte chamber for containing anolyte on another side of the electrochemical cell.

An apparatus as claimed in claim 7, wherein the catholyte is in the form of a powder slurry having suspended ore powder, circulated over a cathode.

An apparatus as claimed in claim 8, wherein the apparatus includes a pump for circulating the catholyte.

An apparatus as claimed in claim 9, wherein the apparatus includes a first pump for circulating the catholyte and a second pump for circulating the anolyte.

An apparatus as claimed in claim 9, wherein the pump forms part of a pumping system external to the primary catholyte chamber.

An apparatus as claimed in claim 11, wherein the pumping system includes a secondary catholyte chamber.

An apparatus as claimed in claim 12, wherein the plurality of catholyte chambers provide multiple electrochemical cells whereby reduction of the ore powder is extended over the plurality of cells to achieve complete reduction.

An apparatus as claimed in any one of claims 1 to 13, wherein the flow reactor includes a magnetic separator for magnetic separation of reduced iron particles.

An apparatus as claimed in claim 14, wherein the magnetic separator allows non- reduced iron ore particles to continue to flow for further reduction cycles.

An apparatus as claimed in any one of claims 11 to 15, wherein the flow reactor includes a source of iron ore particles for metered introduction of iron ore particles into the flow of the catholyte.

An apparatus as claimed in claim 14, wherein a cathodic potential is applied to the magnetic separator to force a complete reduction.

An apparatus as claimed in any one of claims 1 to 17, wherein the iron ore is in the form of iron ore powder.

An apparatus as claimed in claim 18, wherein the iron ore is in the form of iron ore powder having a particle size of less than or equal to 20 um.

An apparatus as claimed in any one of claims 1 to 19, wherein the apparatus includes a cathode formed of a material selected to have inferior catalyticproperties for a water reduction reaction and good charge-transfer properties to iron ore particles..

An apparatus as claimed in claim 20, wherein the cathode is formed of a glassy carbon material.

An apparatus as claimed in claim 20 or claim 21, wherein the cathode is formed to prevent adhesion of iron particles to the cathode.

An apparatus as claimed in any one of claims 20 to 22, wherein the apparatus includes sonication, pulsed electrical currents, and/or high-speed catholyte flow to prevent iron particles from adhering to the cathode.

An apparatus as claimed in any one of claims 1 to 23, wherein the apparatus is adapted to perform the reaction at a temperature less than 130 °C.

An apparatus as claimed in claim 24, wherein the apparatus is adapted to perform the reaction at a temperature between 85 °C and 130 °C.

An apparatus as claimed in claim 25, wherein the apparatus is adapted to perform the reaction at a temperature between 100 °C and 110 °C.

An apparatus as claimed in any one of claims 1 to 26, wherein the apparatus is arranged to provide electrochemical parameters of between 1.5 V and 2.5 V and 0.1 to 1A/cm?

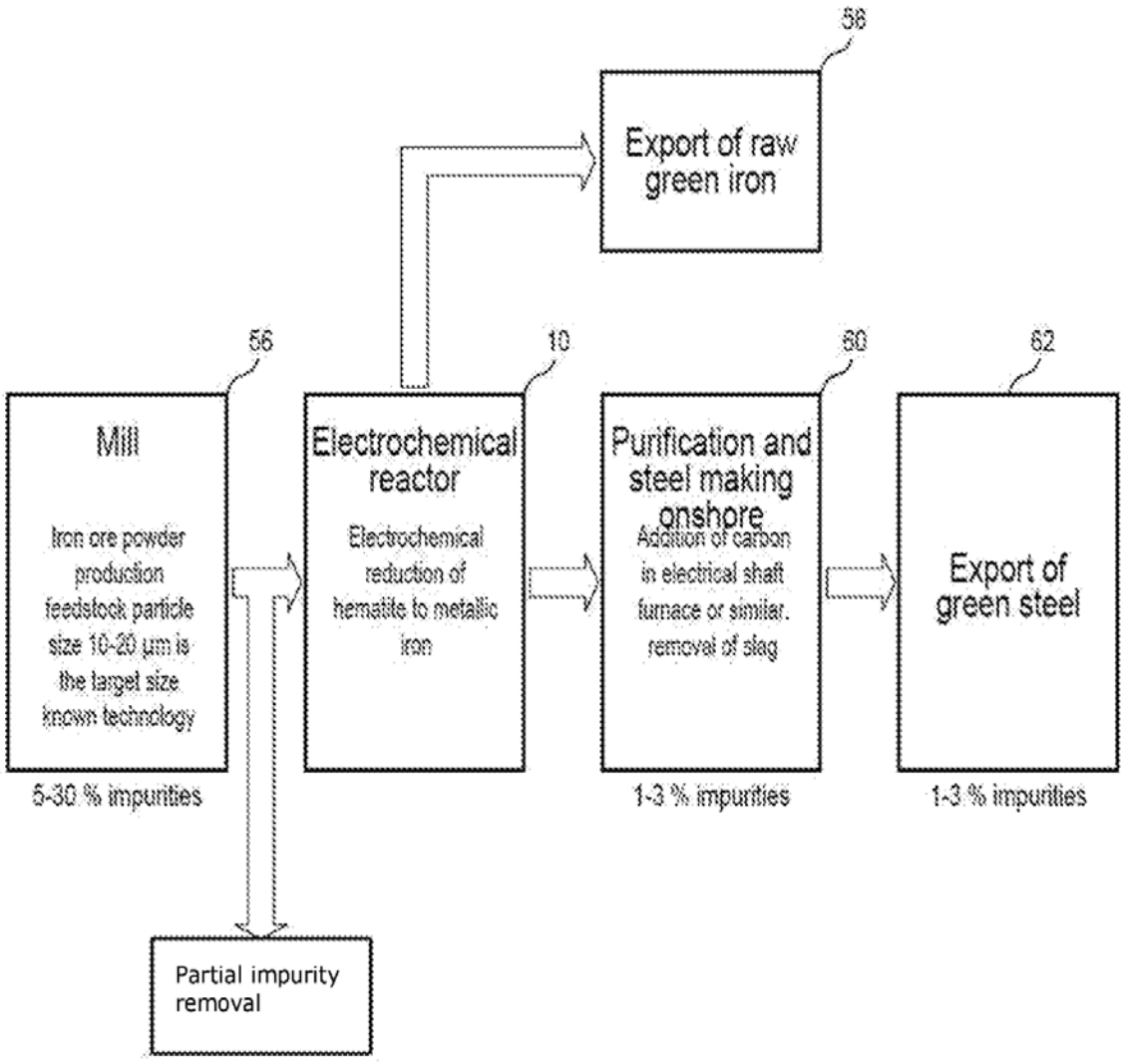
An apparatus as claimed in claim 26, wherein the apparatus is adapted to provide electrochemical parameters of1.66 V and 0.2 A/cm?.

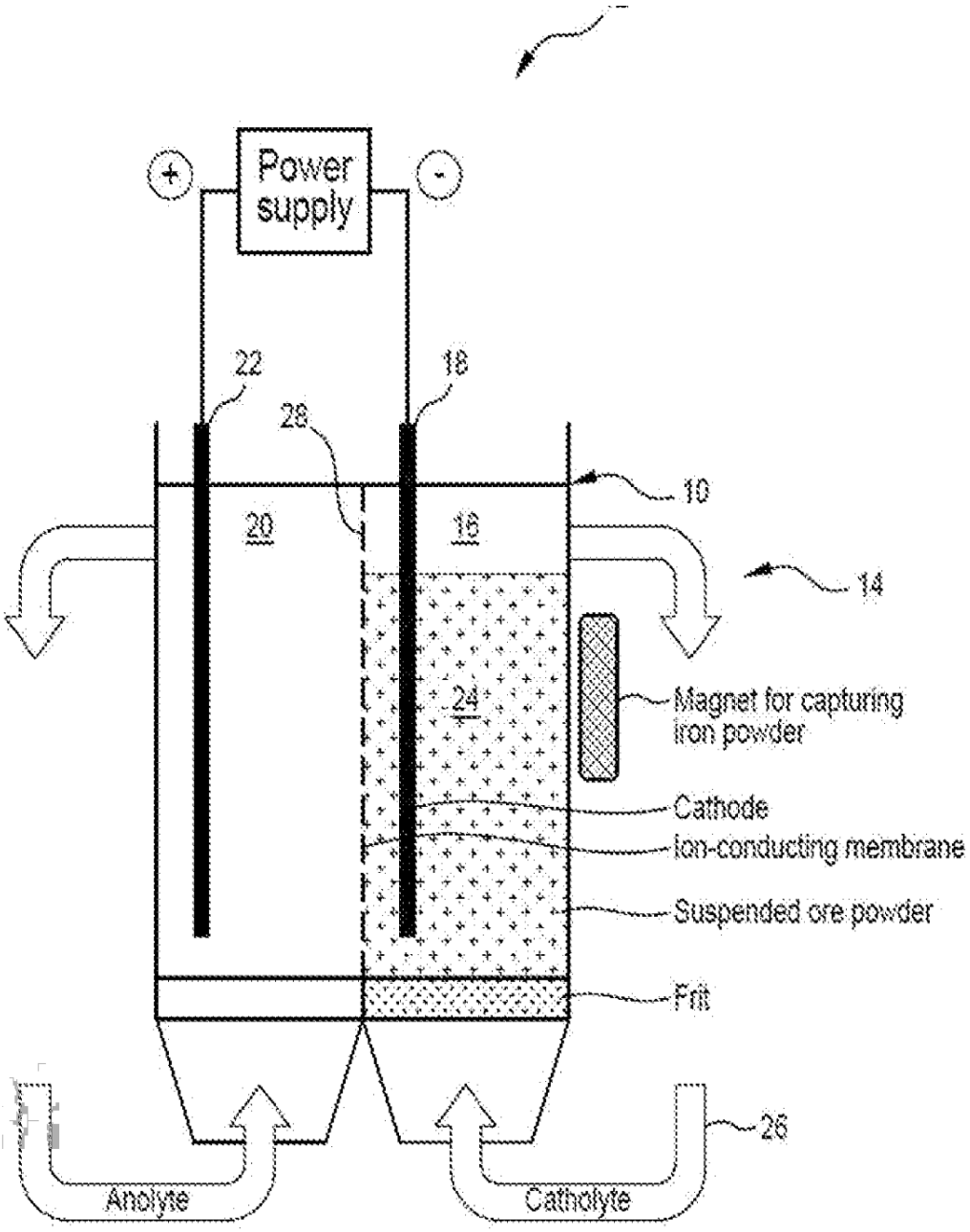
A method o f producing iron, wherein the method includes the step o fu s i n g an electrochemical reactor for reducing iron ore to iron.

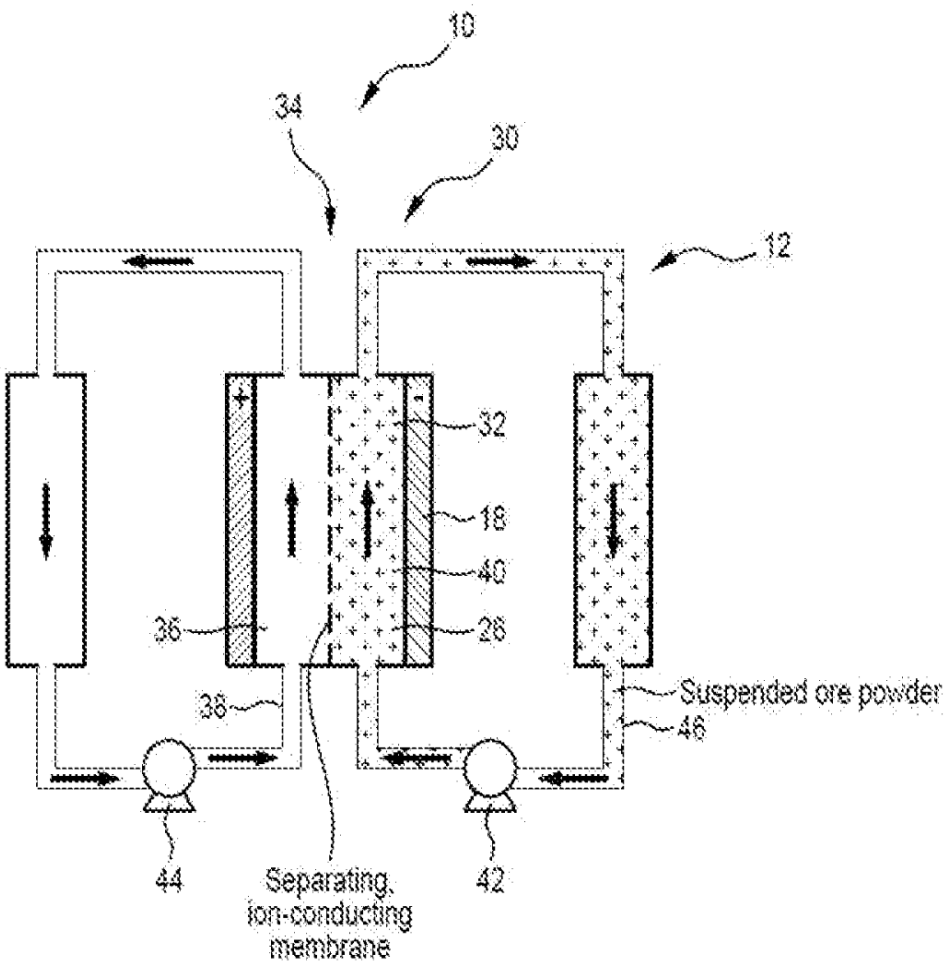
A method of producing iron as claimed in claim 29, wherein the iron ore is in the form of iron ore powder.

A method of producing iron as claimed in claim 29 or claim 30, wherein the iron ore is in the form of particles dispersed in a highly concentrated aqueous hydroxide solution.

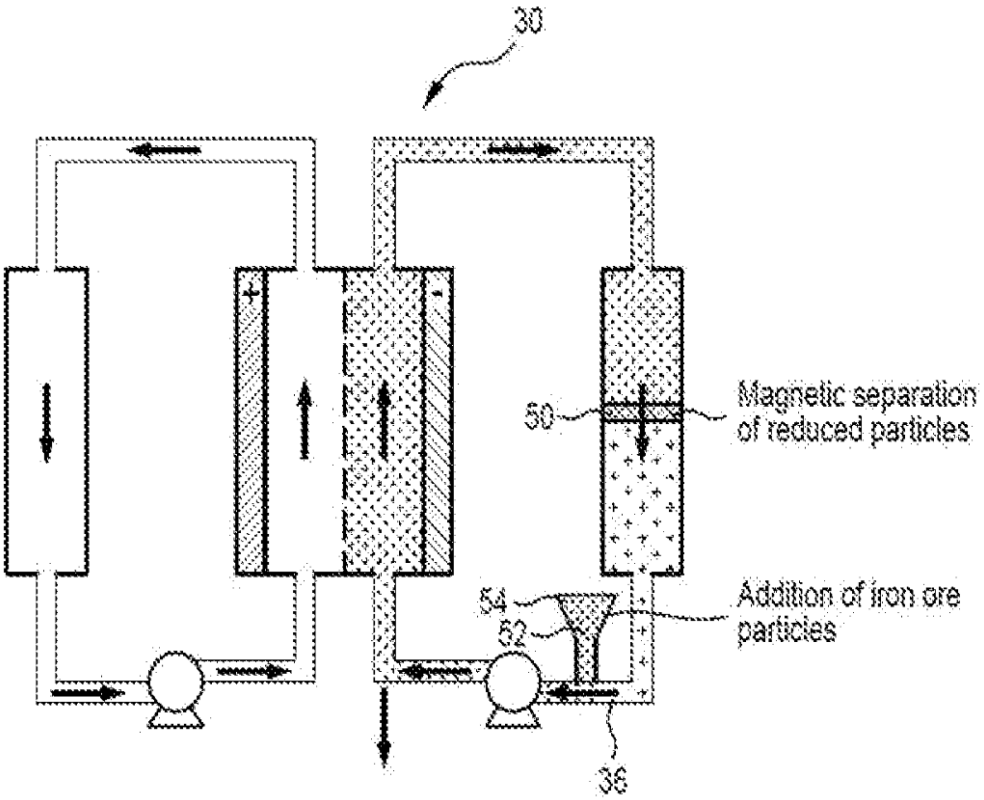
A method of producing iron as claimed in claim 31, wherein the solution includes up to 50% sodium hydroxide.



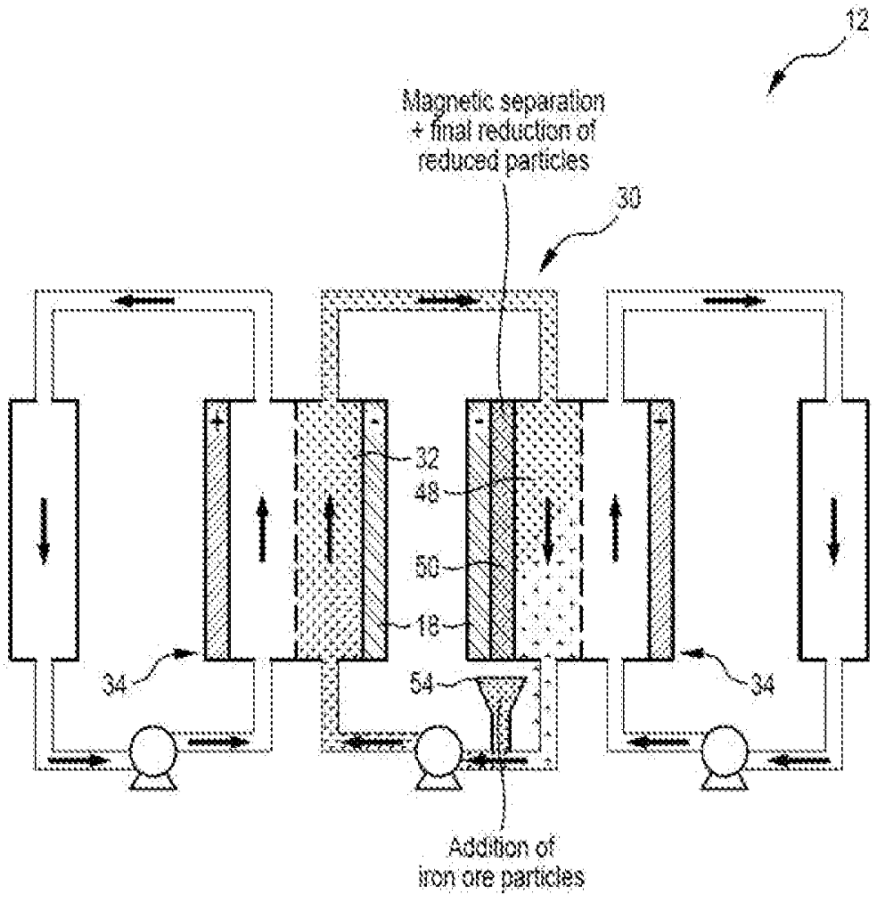

Power supply
+
-
22
18
28
10
20
16
14
24
Magnet for capturing iron powder
Cathode
Ion-conducting membrane
Suspended ore powder
Frit
26
Anolyte
Catholyte



Flow reactor for ore reduction, first iteration



Flow reactor for ore reduction, second iteration



Flow reactor for ore reduction, third iteration

Other Patents obtained by Bjorn Winther-Jensen

WO2013185163 (A1) - BREATHABLE ELECTRODE AND METHOD FOR USE IN WATER SPLITTING

Patent

Jun 2012

Bjorn Winther-Jensen

WO2013185169 (A1) - GAS PERMEABLE ELECTRODE AND METHOD OF MANUFACTURE

Patent

Jun 2012

WO2012121417 (A1) - CONDUCTING POLYMER - REDOX POLYMER BLENDS VIA IN-SITU OXIDATIVE POLYMERIZATION - PREPARATION METHODS AND APPLICATION AS AN ELECTRO-ACTIVE POLYMERIC MATERIALS

Patent

Mar 2011

Bjorn Winther-Jensen

US2013220822 (A1) - METHOD AND SYSTEM FOR CATALYSIS

Patent

Nov 2010

Bjorn Winther-Jensen

US2013068294 (A1) - DYE-SENSITISED SOLAR CELL WITH NICKEL CATHODE

Patent

Other Patents obtained by **Bjorn Winther-Jensen**

https://patents.justia.com/inventor/bj-rn-winther-jensen

OTHER PUBLICATIONS

POI 3 Has published 157 articles in various science related publications.

Find some of the latest articles.

https://www.researchgate.net/profile/Bjorn-Winther-Jensen

Bjorn Winther-Jensen highlights in the article the

information obtained in the PDF in relation to the application of the Patent.

Apparatus and process for producing iron

Patent

Feb 2024

Bjorn Winther-Jensen and Bartlomiej Kolodziejczyk (indicated above)

Poly(3‐alkylthiophene) Films as Solvent‐Processable Photoelectrocatalysts for Efficient Oxygen Reduction to Hydrogen Peroxide

Dec 2021

Kouki OkaKoichiro Kamimori Bjorn Winther-Jensen Hiroyuki Nishide

Photoelectrocatalysts In article number 2100103, Hiroyuki Nishide and co-workers demonstrate solvent-processable and commercially-available poly(3-alkylthiophene)s as a robust photoelectrocatalyst for the reduction of O2 to H2O2, with a high conversion rate and a high Coulombic efficiency (>95%). Organic π‐Conjugated Polymers as Photocathode Materials for Visible‐Light‐Enhanced Hydrogen and Hydrogen Peroxide Production from Water (Adv. Energy Mater. 43/2021)

Nov 2021

Kouki Oka Bjorn Winther-Jensen Hiroyuki Nishide

Organic Photocathodes In article number 2003724, Kouki Oka, Bjorn Winther-Jensen, and Hiroyuki Nishide describe the fundamentals of the electrochemistry of the water and oxygen reduction reactions, and for organic π-conjugated polymers as photocathode materials for visible-light-enhanced hydrogen and hydrogen peroxide production from water.

Jul 2021

Kouki OkaKoichiro Kamimori Bjorn Winther-Jensen Hiroyuki Nishide

Poly(3-alkylthiophene) films play a central role in various organic devices owing to their solvent-processability and their remarkable electrical and optical properties. The (photo)electrocatalytic abilities of unsubstituted and solvent-insoluble polythiophenes in the reduction of O2 to H2O2 in a basic aqueous electrolyte have recently emerged as a...

Two States of Water Converge to One State below 215 K

Jun 2021

Kouki OkaToshimichi ShibueNatsuhiko Sugimura[...]Hiroyuki Nishide

H2O2 Production: Copolymer of Phenylene and Thiophene toward a Visible-Light-Driven Photocatalytic Oxygen Reduction to Hydrogen Peroxide (Adv. Sci. 5/2021)

Mar 2021

Kouki OkaHiroyuki Nishide Bjorn Winther-Jensen

In article number 2003077, Kouki Oka, Hiroyuki Nishide, and Bjorn Winther-Jensen demonstrate that metal-free copolymer of phenylene and thiophene works as a visible-light-harvester and highly selective and robust catalyst for the oxygen reduction to H2O2. Organic π-Conjugated Polymers as Photocathode Materials for Visible-Light-Enhanced Hydrogen and Hydrogen Peroxide Production from Water

Jan 2021

Kouki Oka Bjorn Winther-Jensen Hiroyuki Nishide

The photo(electro)chemical reduction of water and oxygen to produce hydrogen (water-splitting) and hydrogen peroxide, respectively, are well developed with inorganic semiconductors. Completely Solar-Driven Photoelectrochemical Water Splitting Using a Neat Polythiophene Film

Jan 2021

Kouki OkaHiroyuki Nishide Bjorn Winther-Jensen

π-Conjugated polymers are emerging as appealing photoelectrode materials for the photoelectrochemical hydrogen evolution reaction via water splitting, which has otherwise been extensively explored using inorganic semiconductors.

Jan 2021

Kouki OkaHiroyuki Nishide Bjorn Winther-Jensen

The properties of low-entropy water clusters and small bulk water domains in a hydrophobic solvent over a wide temperature range (235–333 K), including supercooling temperatures, were investigated. 1H-nuclear magnetic resonance (NMR) spectroscopy showed singularity temperatures at ~300, 250, 235, and 225 K. We proposed a model to understand these s...

Neat Polythiophene Film: Their Very High Photoelectrochemical Performance Allowing Completely Solar-Driven Water-Splitting

Jan 2020

Kouki OkaHiroyuki Nishide **Bjorn Winther-Jensen**

Water Splitting: Poly(1,4-di(2-thienyl))benzene Facilitating Complete Light-Driven Water Splitting under Visible Light at High pH (Adv. Energy Mater. 6/2019)

Feb 2019

Kouki OkaKanako NoguchiTakeo Suga[...] **Bjorn Winther-Jensen**

Poly(1,4-di(2-thienyl))benzene Facilitating Complete Light-Driven Water Splitting under Visible Light at High pH

Jan 2019

Kouki OkaKanako NoguchiTakeo Suga[...] Bjorn Winther-Jensen

Although commercial membranes are well established materials for water desalination and wastewater treatment, modification on commercial membranes is still necessary to deliver high-performance with enhanced flux and/or selectivity and fouling resistance. A

May 2018

Kouki OkaOrie TSUJIMURATakeo Suga[...] **Bjorn Winther-Jensen**

Light-assisted electrochemical water-splitting at very low bias voltage using metal-free polythiophene as photocathode at high pH in a full-cell setup

Apr 2018

Kouki OkaOrie TSUJIMURATakeo Suga[...] **Bjorn Winther-Jensen**

Neural electrodes used for in vivo biomedical applications (e.g., prostheses, bionic implants) result in glial invasion, leading to the formation of a nonexcitable scar that increases the distance between neurons and electrode and increases the resistance to current flow. The result is progressive deterioration in the performance of stimulation or...

Feb 2018

David Mayevsky **Bjorn Winther-Jensen**

Herein we report detailed electrochemical studies of a conducting polymer composite that is engineered to selectively react with protons and that has reactive sites across the entirety of the volume due to the excellent water permeability throughout the film.

Jan 2018

Bartlomiej KolodziejczykChun Hin NgXenofon Strakosas[...] **Bjorn Winther-Jensen**

In this paper, we combine a photochemical cell with a transistor, forming a novel optical-to-electronic interface using OECTs with a light sensitive gate that can be used for photonic, optogenetic and other applications where conversion from optical to electronic signal is key.

Dec 2017

Bartlomiej KolodziejczykChun Hin NgXenofon Strakosas[...]**Bjorn Winther-Jensen**

Solute-surface interactions are critical in membrane science and dominate a number of diffusion and selectivity parameters. In water treatment particularly, the charge on the membrane has been shown to affect ion transport selectivity as well as fouling mechanisms.

Diverse composites of metal-complexes and PEDOT facilitated by metal-free vapour phase polymerization

Apr 2017

Shravan S. AcharyaChristopher D. EastonThomas M. Mccoy[...]**Bjorn Winther-Jensen**

Oxidative polymerization for the manufacture of conducting polymers such as poly(3,4-ethylenedioxy- thiophene) has traditionally employed iron(III) salts. Demonstrated in this study is vapour phase polymerization of 3,4-ethylenedio- xythiophene using a metal-free oxidant, ammonium persulfate, leading to films with an estimated conductivity of 75 S/...

Jan 2017

Shravan S. Acharya **Bjorn Winther-Jensen** Leone SpicciaC. Andr Ohlin

The demand for catalysts that are highly active and stable for electron-transfer reactions has been boosted by the discovery that [Pt(NH3)4](TCNQF4)2 (TCNQF4⩽2,3,5,6-tetrafluoro-7,7,8,8-tetracyanoquinodimethane)

Nov 2016

Chun Hin NgOrawan Winther-JensenC. André Ohlin **Bjorn Winther-Jensen**

The discovery of poly(2,2′-bithiophene) (PBTh) as a photo-electrochemical catalyst for the hydrogen evolution reaction (HER) presents a novel electrode material for the transition to a sustainable hydrogen energy economy. Nonetheless, it remains limited by a low hydrogen evolution rate. We here investigate two methods in which to increase the catal...

Jul 2016

David MayevskyEliot GannChris Garvey[...]**Bjorn Winther-Jensen**

Herein it is demonstrated that the high level of interchain ordering of pEDOT is not necessary for the polymer to have efficient charge transport. Resistance and order are compared during the manufacturing process, where the polymerisation step and ordering step are decoupled as separate stages of the processing.

Jul 2016

Md. Emran AminNemai Karmakar **Bjorn Winther-Jensen**

In recent years, radio frequency identification (RFID) technology has been employed in mainstream applications for asset management, storage of goods, security, transportation and logistics. The RFID sensor has features which can revolutionize the field of automated object identification in conjunction with condition monitoring.

Conducting polymer and metal-complex composites formed by complexation of the ligands from the vapour phase

Mar 2016

David Mayevsky **Orawan Winther-Jensen (POI 3 wife) Bjorn Winther-Jensen**

Note this article and other articles indicate Bjorn Winther-Jensen wife. This appears to indicate she is also a scientist that has worked with Bjorn Winther-Jensen

Complexation from the vapor phase is, for the first time, used to coordinate ligands to metal ion(s) inside a conducting polymer matrix. This new class of composites was examined with regard to different ligands and metal ions. The reduction reaction of nitrite to ammonia was used as a case study for the functionality of the composites.

Jan 2016

Marroquin JasonZhou Kun **Bjorn Winther-Jensen**[...]John Forsythe

The realisation of poly(2,2′-bithiophene) (PBTh) as an effective photo-electrocatalyst for the hydrogen evolution reaction is a novel discovery [Ng et al., Int. J. Hydrogen Energy, 2014, 39, 18230]; however, the underlying mechanism of this catalysis remains unknown. In this article, studies using electrochemical, photo-electrochemical, Raman spect...

Dec 2015

Mega Kar **Bjorn Winther-Jensen** Michel Armand[...]Douglas R. MacFarlane

A simple technique for performing evaporation of quaterthiophene below the melting temperature for vapour phase polymerisation and physical vapour deposition

Nov 2015

David MayevskyJacob TosadoChristopher D. Easton[...]**Bjorn Winther-Jensen**

By adjusting the molecular ordering of the evaporant used for vapour deposition, anappreciable evaporant partial pressure was achieved at temperatures far below the evaporant melting temperature with evaporation occurring over 100° below the melting temperature. The molecular ordering was adjusted by dissolving or dispersing the evaporant (MW > 300...

Oct 2015

Callum Lamont **Orawan Winther- JensenBjorn Winther-Jensen**

Herein we describe the use of vapour phase polymerisation (VPP) to form an elastomeric conducting hybrid, via the combination of poly(3,4-ethylene dioxythiophene) (PEDOT) and poly(glycerol sabecate) (PGS). The extent of PGS curing inversely affected the degree of PEDOT penetration in the material. At longer cure times, samples exhibited a negligibl...

Oct 2015

Santhosh s nairJohn Forsythe **Bjorn Winther-Jensen**

This paper reports a detailed discussion on the aqueous chemical growth of ZnO nanowires (NWs) on 2-D and 3-D polyethersulfone. Substrate surface chemistry and substrate placement in the growth solution is found to affect the morphology of the grown nanostructures and indeed the growth direction of the NWs.

Oct 2015

Bartlomiej Kolodziejczyk **Orawan Winther- Jensen** Brooke Anne Pereira[...]**Bjorn Winther-Jensen**

Patterning of conducting layers on breathable substrates using laser engraving for gas sensors

Sep 2015

Bartlomiej Kolodziejczyk **Orawan Winther-Jensen** Brooke Anne Pereira[...] **Bjorn Winther-Jensen**

Thin film composite membranes, primarily based on poly(amide) semi-permeable materials, are nowadays the dominant technology used in pressure driven water desalination systems.

May 2015

Emma K. Brunton **Bjorn Winther-Jensen** C. Wang[...]Ramesh Rajan

Electrodes for cortical stimulation need to deliver current to neural tissue effectively and safely. We have developed electrodes with a novel annular geometry for use in cortical visual prostheses. Here, we explore a critical question on the ideal annulus height to ensure electrical stimulation will be safe and effective.

Apr 2015

Chun Hin NgC. André Ohlin **Bjorn Winther-Jensen**

Exploration and optimisation of poly(2,2’-bithiophene) as a stable photo-electrocatalyst for hydrogen production

Apr 2015

Chun Hin Ng **Orawan Winther-Jensen** C. André Ohlin **Bjorn Winther-Jensen**

An organic photo-electrochemical catalyst for the hydrogen evolution reaction (HER) based on the conducting polymer, poly(2,2’-bithiophene) (PBTh), is further explored. Long-term stability testing shows the successful operation of the catalyst over a period of 12 days at neutral pH with corresponding turnover numbers exceeding 6×104. Experimental p...

Feb 2015

Robert KerrCristina Pozo-GonzaloMaria Forsyth **Bjorn Winther-Jensen**

The layer thickness and density of high molecular weight cationic polyacrylamide (CPAM) adsorbed at the cellulose-water interface was quantified by neutron reflectometry. The thickness of a full monolayer of CPAM of constant molecular weight (13MD) but different charge densities, adsorbed with or without NaCl (10(-3)M), was studied.

Jan 2015

Bartlomiej Kolodziejczyk **Orawan Winther-Jensen** Robert Kerr[...] **Bjorn Winther-Jensen**

Ordered hetero-junctions using one dimensional inorganic nanostructures is currently widely studied to develop devices such as high efficiency photovoltaic devices, light emitting diodes, catalysts, supercapacitors, lithium ion batteries and nanogenerators.

Jan 2015

Bjorn Winther-Jensen Bartlomiej Kolodziejczyk **Orawan Winther-Jensen**

The discovery of a new poly(3,4-ethylenedioxythiophene) (PEDOT) composite with unique memory characteristics has led to the demonstration of durable Organic ElectroChemical Transistors (OECT) based memory devices.

Miniaturisation and simplification of solid-state proton activity sensor for non-aqueous media and ionic liquids

Nov 2014

Orawan Winther-Jensen Jessie L HamiltonChun Hin Ng[...] **Bjorn Winther-Jensen**

This work is the further development of the previous pH (effective) sensor work where a biologically-derived proton-active redox centre – riboflavin (RFN) was entrapped into vapour phase polymerised poly(3,4-ethylenedioxythiophene) film and ferrocene (Fc) dissolved in the sample solution was used as an internal reference redox couple.

Oct 2014

Chun Hin Ng **Orawan Winther-Jensen** Bartlomiej Kolodziejczyk[...]**Bjorn Winther-Jensen**

Vapour phase polymerised (VPP) polybithiophene (PBTh) on glassy carbon is revealed to be an efficient photo-electrocatalytic electrode for the hydrogen evolution reaction (HER).

Oct 2014

Matthew GustafsonKei MatsumotoJudith Janikowski[...]**Bjorn Winther-Jensen**

MEDIA

We carried out media searches and located a number of old articles about

Bjorn Winther-Jensen

There are many other articles in various scientific journals and online articles.

SMH Deborah Smith Science Editor

August 1, 2008

TAKE some high-tech fabric used in outdoor clothing and add a very thin layer of plastic.

This unusual combination, created by Australian scientists, is likely to accelerate the shift towards a cleaner, hydrogen economy. It has been used to design a cheap component for fuel cells in hybrid cars and may help reduce the world's reliance on rare and expensive platinum. **Bjorn Winther-Jensen, of Monash University**, said the synthetic fabric Gore-Tex had revolutionised outdoor clothing, and his team's Gore-Tex-based electrode could do the same for fuel cells, which generate electricity from hydrogen and oxygen. "The same way as waste vapour is drawn out of this material to make hikers more comfortable, so it is able to breathe oxygen into our fuel cell and into contact with the conductive plastic," Dr Winther-Jensen said.

Platinum is a key ingredient in fuel cell electrodes, but world reserves would meet less than 20 per cent of demand if all cars were to be hydrogen run. The Australian-made electrode was as efficient as a platinum electrode, but much cheaper, he said. "Platinum is about $2000 per ounce and ours is about $2000 a kilo." The Australian advance, which involves depositing a layer of electrically conducting plastic about one-100th the thickness of a human hair onto the Gore-Tex, is published in the journal Science. It might be five years before the technology can be used in car fuel cells.

SOCIAL MEDIA

We carried out very limited social media searches due to time and set budget limitations.

BJORN WINTHER-JENSEN

Facebook

Bjorn Winther-Jensen is not listed on Facebook

LinkedIn

We did not attempt to obtain a copy of POI 3 LinkedIn profile.

Twitter X

No searches conducted.

ORAWAN WINTHER-JENSEN

We located a Facebook profile of POI 3 wife and reviewed all information and posts. Many contains posts and photos of her and POI 3 with a female child that is indicated in a post as her 'niece'. The last post was posted in 2018. From the comments and several posts we believe the wife is Thai.

Facebook

https://www.facebook.com/orawan.wintherjensen

Further background investigation on POI's wife was not carried.

COMMENT AND RECOMMENDATION

Due to the urgent nature of the background investigation and the set limited budget, several areas that include social media and viewing the many articles and online science journal media have only received basic investigations.

We believe the article posted by Bjorn Winther-Jensen about the Patent is important as the dates appear to cross reference when Winther-Jensen and POI 2 worked on the Fortescue Patent and when they were awarded their patent for what appears to be the same or similar technology for Element Zero.

Investigations are continuing and we will report promptly on our findings.

We trust this information helps in the conduct of this matter.

Regards

ROBERT LANCASTER
DIRECTOR

Lancasters
Investigations

For the use of client legal advisers - Privileged

23 April 2024

Darren Perry
Partner
Seyfarth Shaw Australia
1 Farrer Place
NSW 2000

CC
Adrian Huber
adrian.huber@fortescue.com

Phil McKeiver
phil.mckeiver@fortescue.com

Dear Darren,

YOUR REF: TBA
REF:
OUR REF: 24.422.07

We thank you for your instructions in this matter and we now submit our further surveillance report for your perusal. In accordance with your instructions the subject BJORN WINTHER-JENSEN was placed under an urgent period of surveillance

On the first day of surveillance Sunday 21 April 2024 the subject was active and observed with his wife at their residence going to a beach and attending a café. Later they were joined by a female aged approx.16 years that is possibly their daughter, attended a restaurant and had a meal before all three returned to the subject's residence.

On the second day of surveillance, Monday 22 April the subject was not observed.

SURVEILLANCE REPORT

SUBJECT: **BJORN WINTHER-JENSEN**

DATE OF BIRTH **09/04/1960**

ADDRESS: **UNIT 4, 213 GILDERCLIFFE STREET SCARBOROUGHWA6019**

WIFE **ORAWAN WINTHER-JENSEN**

CHILDREN **ONE FEMALE AGED APPROX 16 POSSIBLE DAUGHTER**

VEHICLES: **White Toyota Corolla Registration 1HID-902**

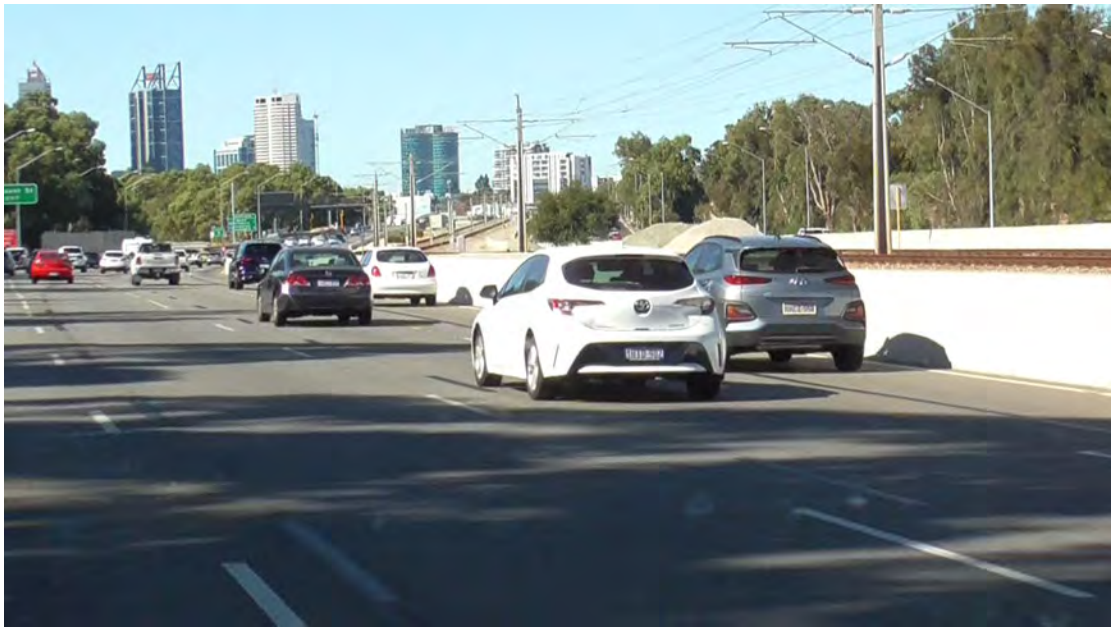
Sunday 21 April 2024

0700 Operative RC commenced surveillance in the vicinity of 4/213 Gildercliffe Street, Scarborough, WA, 6019. The property is a single storey residence surrounded by a tall blue picket fence, there is a single closed garage next to the unit. A white Toyota Corolla 1HID 902 was was parked in a single car park space next to the garage.

0935 The subject exited the residence carrying a watering can. He was dressed casually and was wearing glasses. The subjected watered the small bushes next to the Toyota Corolla and then returned inside his residence from view.

1007 The subject and his wife ORAWAN exited their residence and entered the Corolla, departed and were followed.

1021 The vehicle was followed south towards Perth city on the Mitchell Freeway heading towards the Rockingham area.



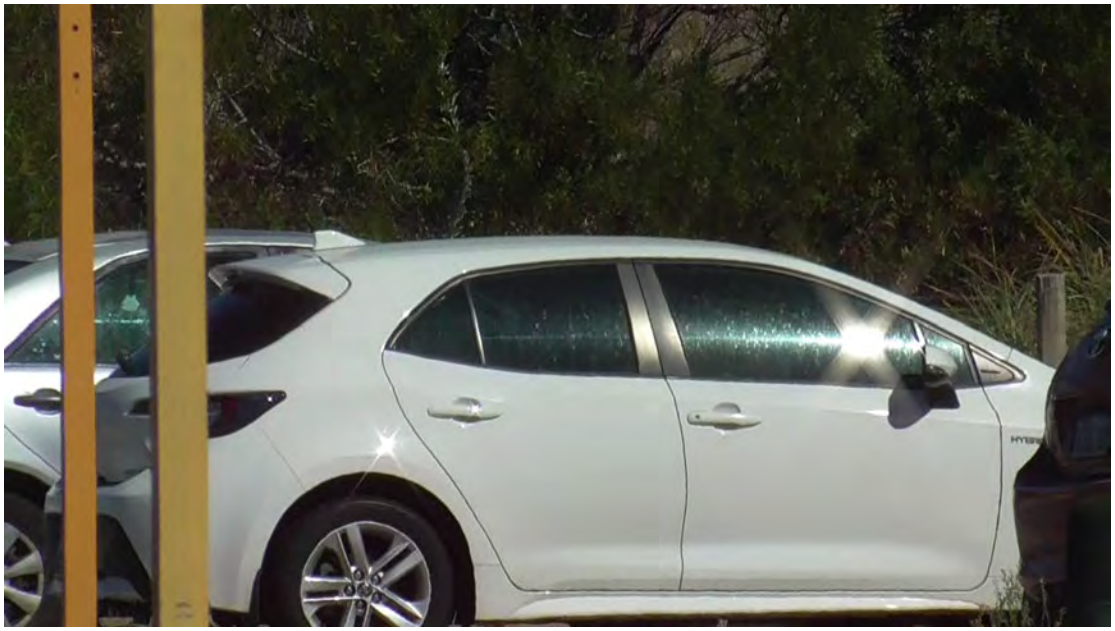
1103 The subject parked outside the 'Spill the Beans' café on the Esplanade. The subject and his wife exited the vehicle and entered the café.

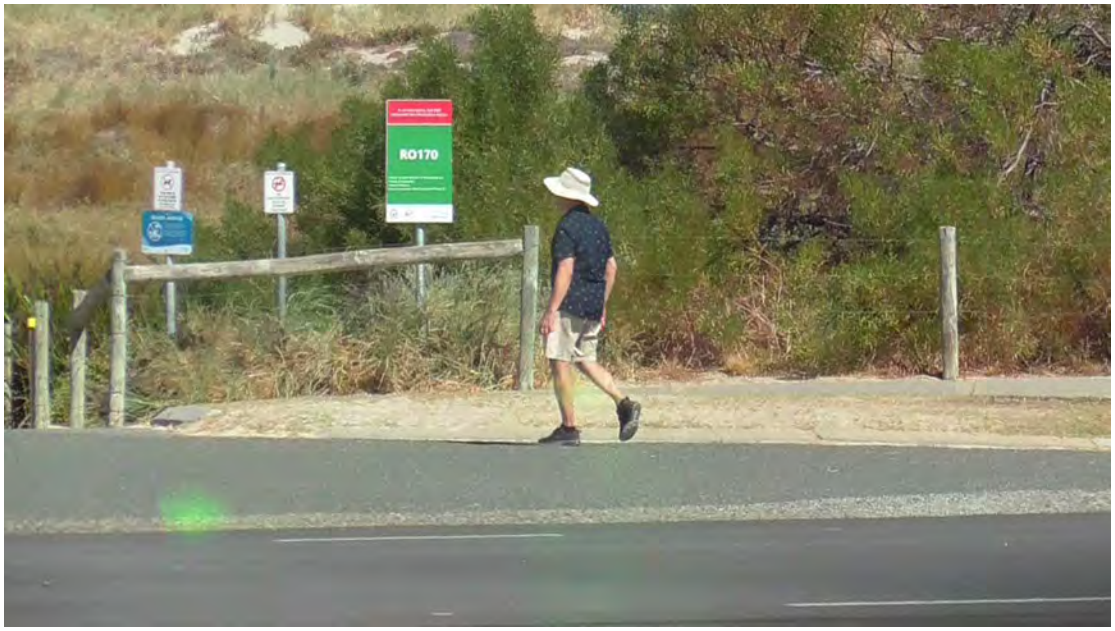
1150 The subject and his wife returned to the vehicle and departed and were followed to Point Peron Road.

1202 The subject parked in a carpark, exited the vehicle with his wife and both walked along the footpath to the beach. The subject was carrying a pair of binoculars.

1242 The subject and his wife returned to their vehicle and departed Point Peron and were then followed as they headed south towards Penguin Island.

1212 The subject parked the vehicle at a beachside car park. The subject and his wife exited the vehicle and walked to the beach. The subject's wife carried the binoculars.



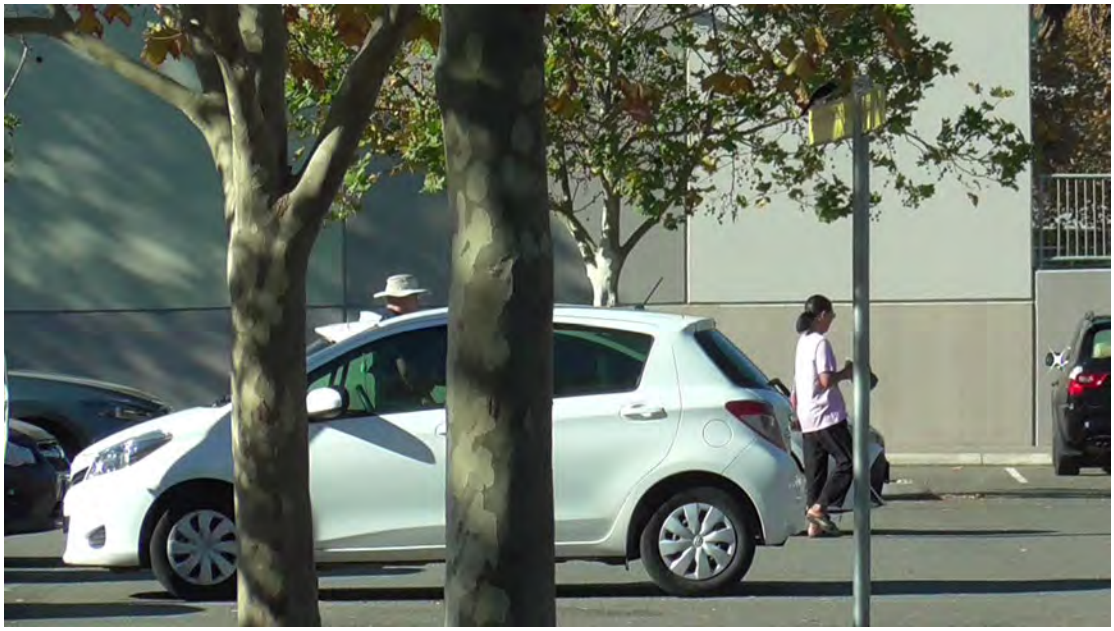

RO170

1324 The subject and his wife were observed walking to another stretch of beach. The subject how held the binoculars.

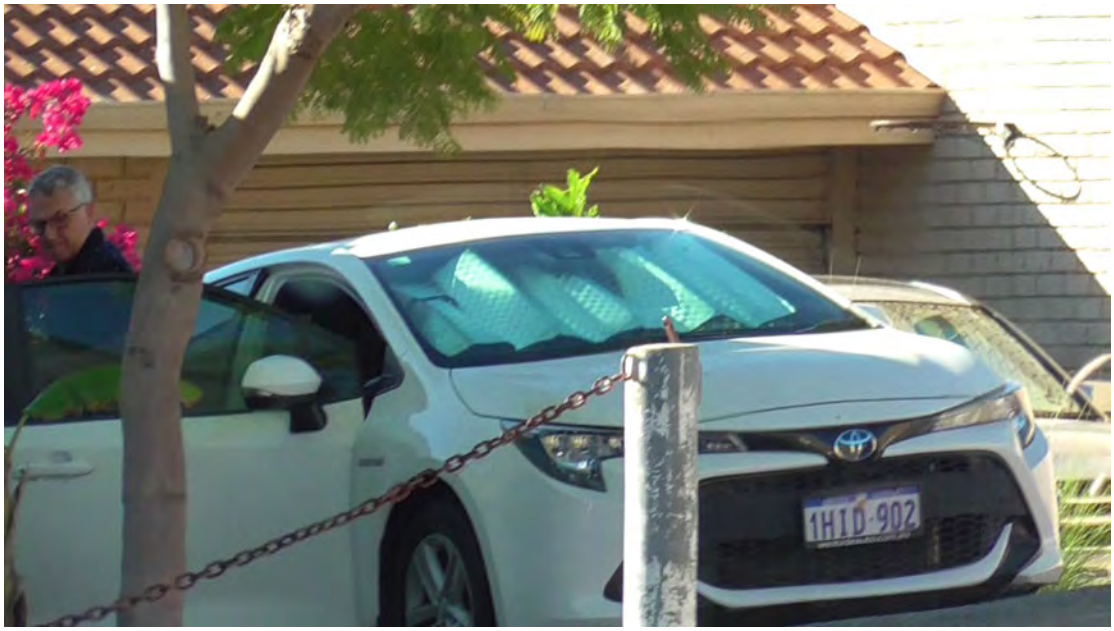
1348 The subject and his wife were observed watching the ocean and birds using the binoculars. They both then returned to their vehicle, departed and were followed.

1404 The subject arrived in Rockingham and parked his vehicle in a car park. Contact with the subject and his wife was lost as they departed on foot from the carpark. A search of the local area failed to locate the subject and the operative returned to the vicinity of the subject's vehicle.

1510 The subject returned to his vehicle with his wife and a young Asian female aged approx. 16 years. The subject and females entered the vehicle that then departed and was followed.



1602 The vehicle returned to the subject's residence and parked in the same parking space next to his garage. The subject and two females exited the vehicle and entered the residence from view.



1722 The subject and both females exited the residence and departed in the white Corolla and were followed to the 'Bodega' Restaurant on Calais Road. The subject and two females sat at a table and ordered a meal.

1838 The subject paid for the meal and he and the two females returned to their vehicle that then departed and was followed.

1848 The subject arrived at the residence and parked in the same car space. The subject and two females exited the vehicle and entered the residence from view. Lights were then illuminated from within the residence.

2100 Lights were still on inside the residence. No further movement. Ceased surveillance.

Monday 22 April 2024

1439 Operative JS commenced surveillance outside 4/213 Gildercliffe Street, Scarborough.

The subject's white Toyota Corolla Sedan registration 1HID-902, was parked in the car space beside the residence.


22 Apr 2024 at 14:39:43


22 Apr 2024 at 14:39:57
1HID·902

1730 The subject had not been observed and his white Corolla 1HID-902 remained parked in the car space.

1823 A light was illuminated inside residence and movement was detected within the residence.

2300 No further activity. The white Corolla remained parked outside the residence. Ceased surveillance.

COMMENT AND RECOMMENDATION

The subject was observed at his residence with his wife. It appears he has a daughter aged approx. 16 years residing with him and his wife.

Surveillance is continuing and we will provide a further updated report in due course.

We trust this information helps in the conduct of this matter.

Regards

ROBERT LANCASTER
DIRECTOR

Lancasters
Investigations

For the use of client legal advisers - Privileged

24 April 2024

Darren Perry
Partner
Seyfarth Shaw Australia
1 Farrer Place
NSW 2000

CC
Adrian Huber
adrian.huber@fortescue.com

Phil McKeiver
phil.mckeiver@fortescue.com

Dear Darren,

YOUR REF: TBA
REF: ELEMENT ZERO FACILITY
OUR REF: 24.422.09

We thank you for your instructions in this matter and we now submit our further surveillance report for your perusal. In accordance with your instructions the ELEMENT ZERO Industrial Unit located at Unit 2, 30 Oxleigh Drive, Malaga, WA was placed under an urgent period of surveillance

On the first day of surveillance on Monday 22 April 2024 POI 2 KOLODZIEJCZYK was observed at the Element Zero facility. He was also observed to enter an office building nearby using a keypad security code. Later he met with an unknown male and held extended conversations with the male.

We were able to get a close internal view of the facility using a minute covert camera during the surveillance period.

SURVEILLANCE REPORT

LOCATION: **ELEMENT ZERO**
Industrial Unit 2, 30 Oxleigh Drive, Malaga, WA.

SECONDARY ADDRESS: Office building 19 Oxleigh Drive Malaga, WA

MONDAY 22 April 2024

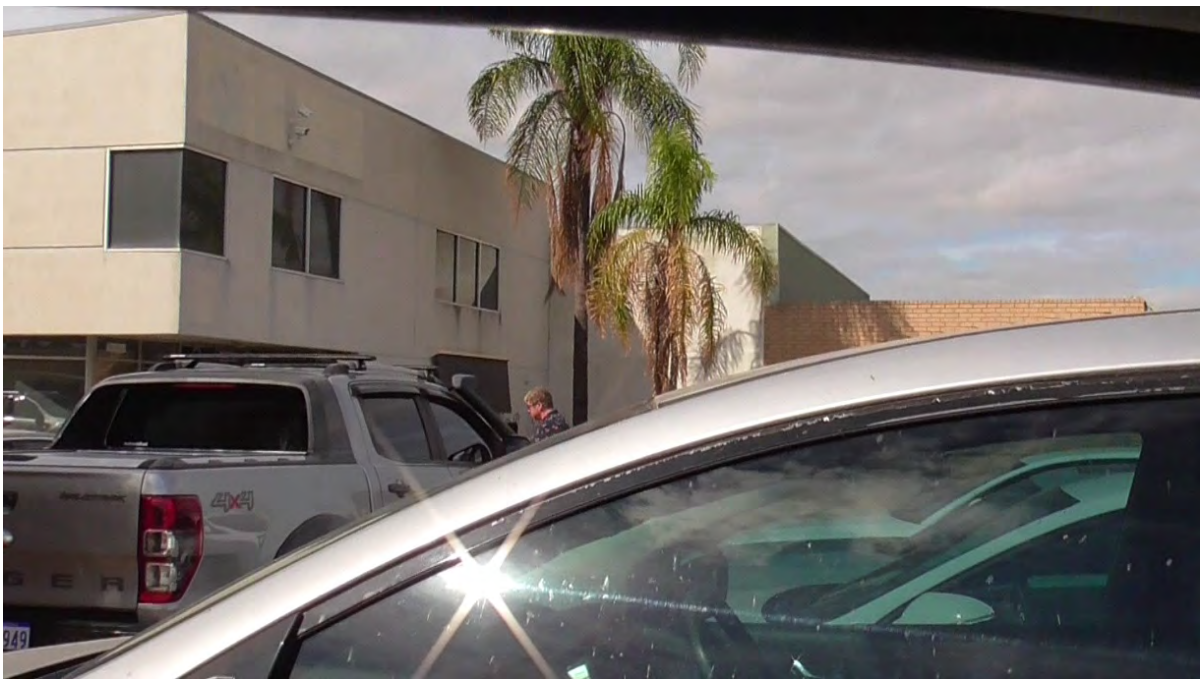
0600 Operative RC commenced surveillance outside U2 30 Oxleigh Drive, Malaga, WA. The property is a double storey commercial complex comprising of 8 x business units. Area in front of the building is a car park which is covered by 2 x CCTV cameras and external lighting and fencing.

0622 A number of employees/staff begin to arrive in different vehicles and parked outside Industrial unit 2, 30 Oxleigh Drive.

1000 Operative MP arrived and joined Operative RC in order to follow any of the POI's that may attend the facility to confirm their current addresses.

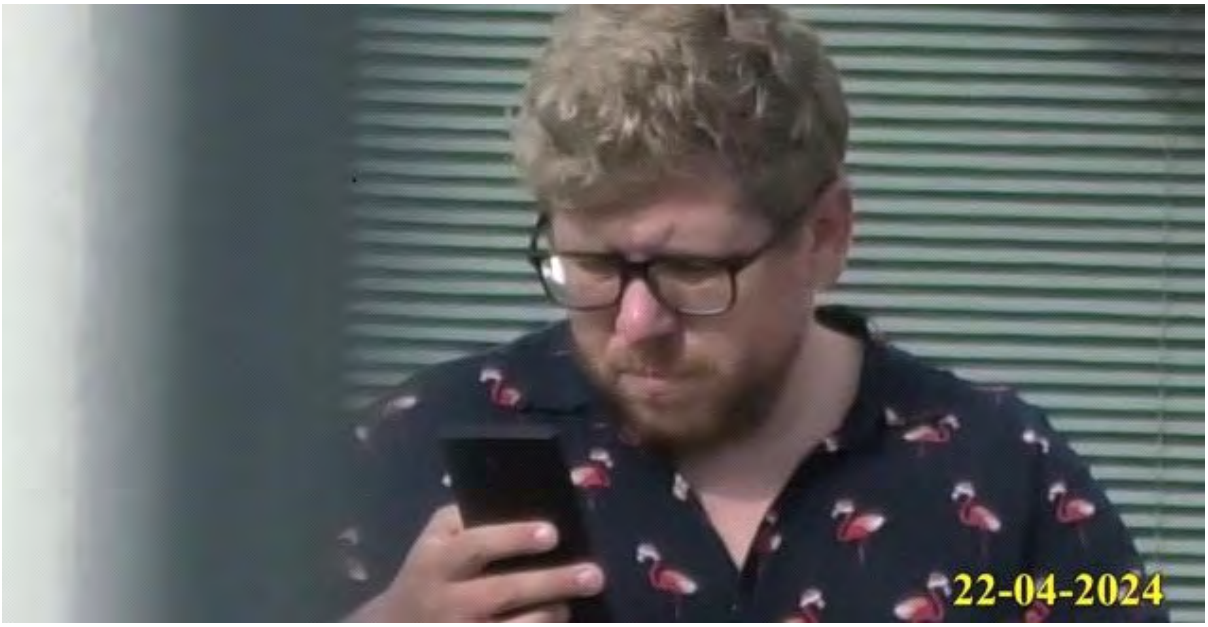
1030 More staff arrive at UNIT 2 and it was noted that many of the staff appeared to be of Asian appearance.

1034 POI 2 Bart KOLODZIEJCZYK arrived at the Industrial UNIT 2 on foot. He was wearing a blue short sleeved shirt with pink Flamingos on it and tight green trousers. He appears to have put some weight and was noted to have an unkempt beard. He entered UNIT 2 from view.



1442 A white Hyundai registration 1ETJ-065 arrived and an Asian female exited the vehicle and opened the boot and a long-haired Caucasian male exited Unit 2 and placed large boxes into the vehicle. The female then departed in the vehicle.

1453 POI 2 KOLODZIEJCZYK exited the Element Zero facility UNIT 2 and then it appeared he had forgotten something and walked back inside. A moment later he exited again and departed the factory on foot walked south along Oxleigh Drive and constantly checked his mobile phone. He walked approximately 300 meters and entered Unit 1/ 19 Oxleigh Drive Malaga, which is an office building. There appeared to be a key code access to the building.



1515 Operative MP conducted a walk past UNIT 2, 30 Oxleigh Drive with a miniature covert video camera. During the walk past a male exited UNIT 2 and walked to and entered Unit 7. The male was then walked back and re-enter UNIT 2. Covert video of Element Zero industrial UNIT 2 internal space and machinery was obtained.

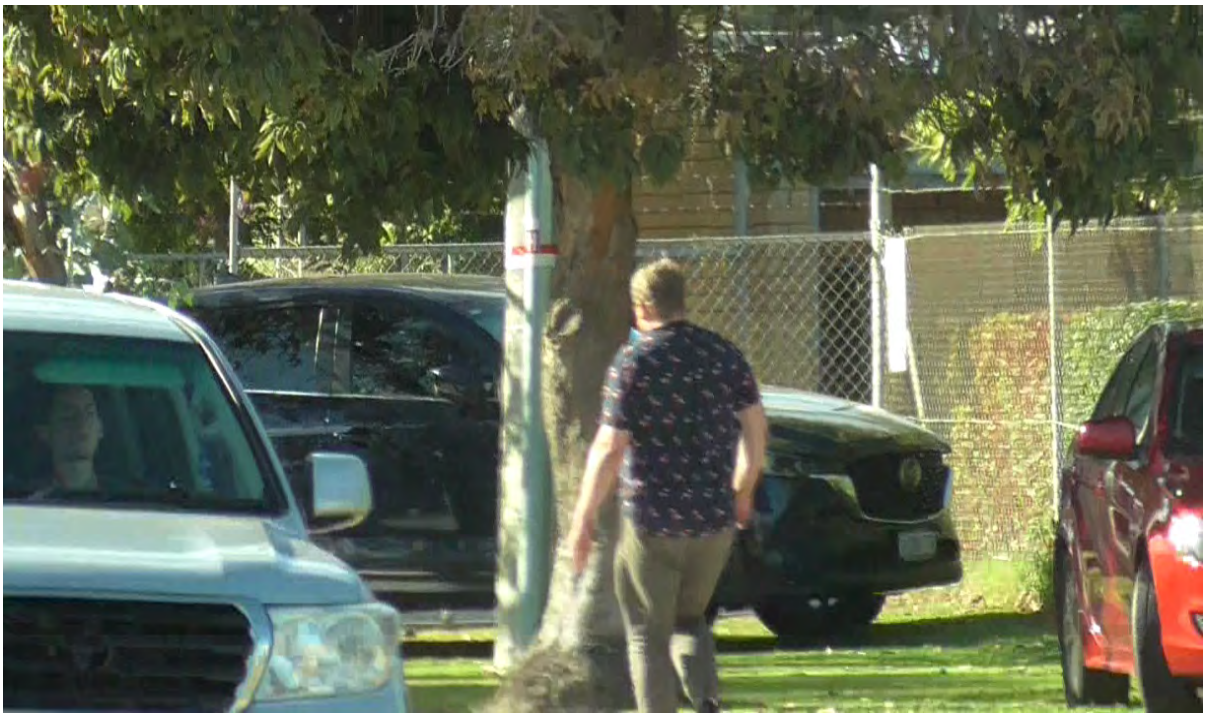

2024/04/22 15:15:57


2024/04/22 15:16:06


2024/04/22 15:16:49


2024/04/22 15:16:51

1535 POI 2 KOLODZIEJCZYK departed 19 Oxleigh Drive and walked back to and entered the Element Zero facility at UNIT 2.



1605 POI 2 KOLODZIEJCZYK exited the Element Zero facility at UNIT 2 and walked back to number 19 Oxleigh Drive where he was observed to enter through the front door of

Unit 1.

A few minutes later POI 2 KOLODZIEJCZYK exited the building carrying an orange backpack and entered a vehicle with Uber signage and departed the area. The vehicle was followed by both operatives in both surveillance vehicles towards Perth CBD.

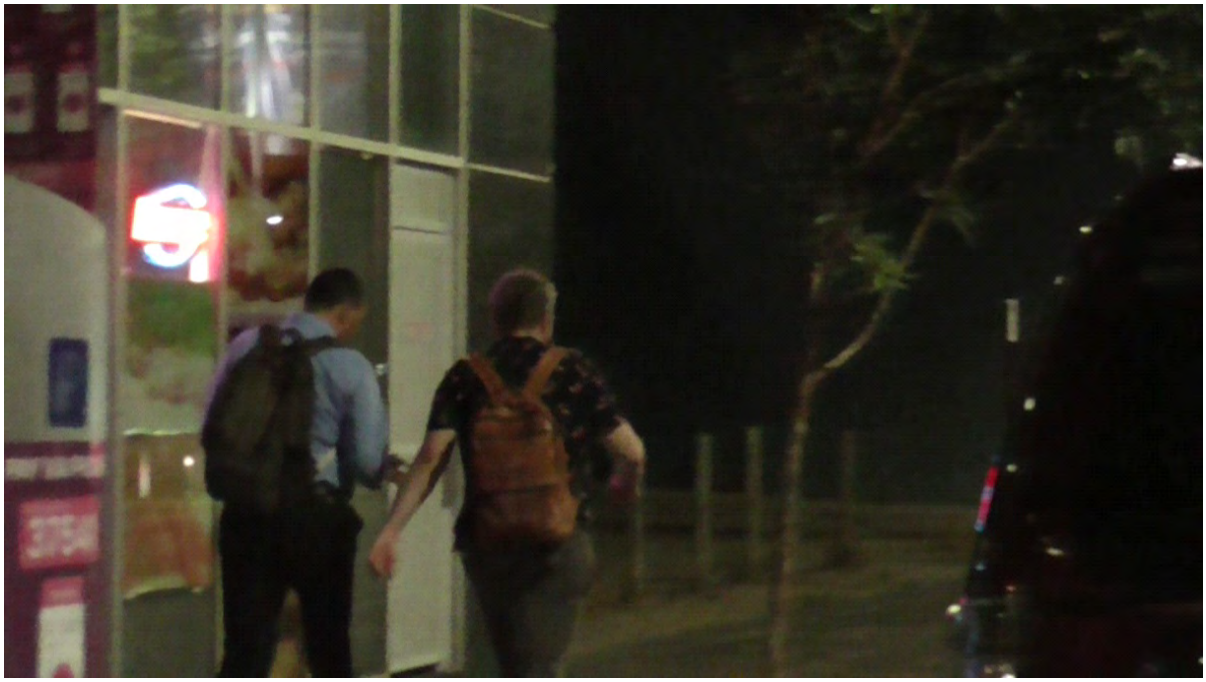
1644 The Uber vehicle arrived and parked in Hay Street, Perth, next to Central Park and the POI 2 KOLODZIEJCZYK exited the Uber and sat on a low wall and appeared to be waiting for someone. Several minutes later he was joined by an unknown male who also carried a backpack. Both greeted each other warmly and appeared known to each other. They both walked towards the CBD and were followed on foot.

1654 POI 2 KOLODZIEJCZYK and the male enter a burger bar called ‘Grilld’. They placed an order and sat close to the window and awaited their food.

1730 POI 2 KOLODZIEJCZYK and male exited from Grilld onto the Murray Street Mall and were followed.

1733 POI 2 KOLODZIEJCZYK and male were observed walking into the Hotel Lobby of the QT hotel. Both entered a lift and ascended to the rooftop bar. Both attended the bar and sat down and held a conversation.

1758 POI 2 KOLODZIEJCZYK and the male exited the bar and entered a lift and descended to the ground floor and exited the building and were followed.



1833 POI 2 KOLODZIEJCZYK and the male walked along St Georges Terrace away from the CBD. They were observed to stand near to the corner of Pier St and Adelaide Terrace and hold a conversation.

1838 An Uber arrived, and POI 2 KOLODZIEJCZYK entered the Uber which departed, and contact was lost. The male walked back towards the QT Hotel

1900 Surveillance ceased.

FURTHER INVESTIGATION

ELEMENT ZERO

The company Element Zero has a website **https://elementzero.green/about-us/**

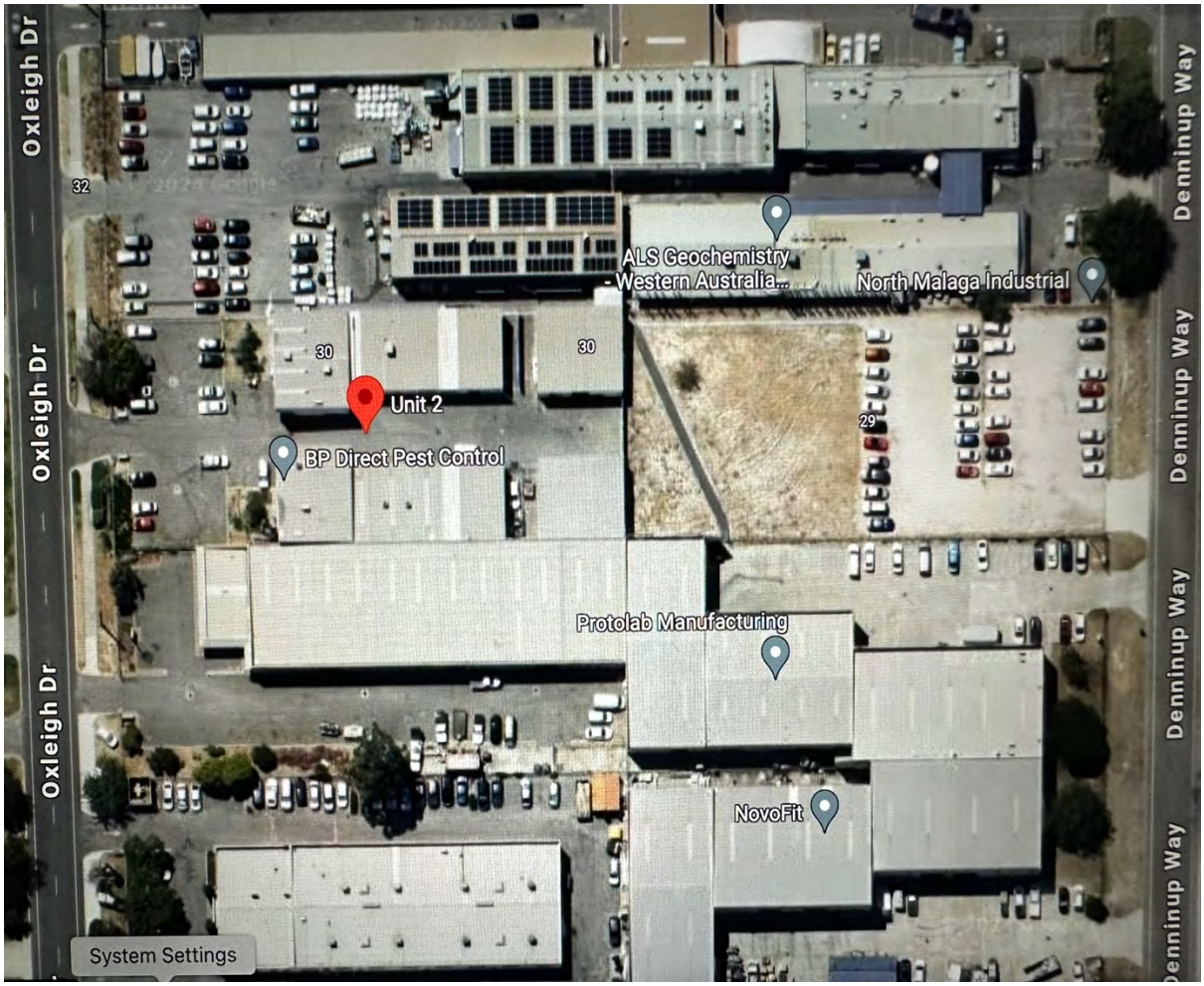
The company website indicates the address on their website

Element Zero
The Green Metal Company
Unit 2 / 30 Oxleigh Drive, Malaga WA 6090

ALS GEOCHEMISTRY

31 Denninup Way, Malaga WA 6090, Australia

It is noted the address of this company virtually backs onto the Unit 2, 30 Oxleigh Drive, Malaga, WA 6090. This company is believed to be assisting Element Zero.



LEASE ADVERTS FOR Unit 2 / 30 Oxleigh Drive, Malaga WA 6090

Further investigations revealed Lease adverts were posted to lease the Industrial Unit currently utilised by Element Zero. A Lease advert from 2023 indicates information on UNIT 2. The Lease details provide photos which also include a previous Lease advert from 2018. Both adverts are indicated.

We believe Element Zero signed the lease to UNIT 2 on Leased on 11 April 2023

https://www.realcommercial.com.au/leased/property-2-30-oxleigh-drive-malaga-wa-6090-504247544

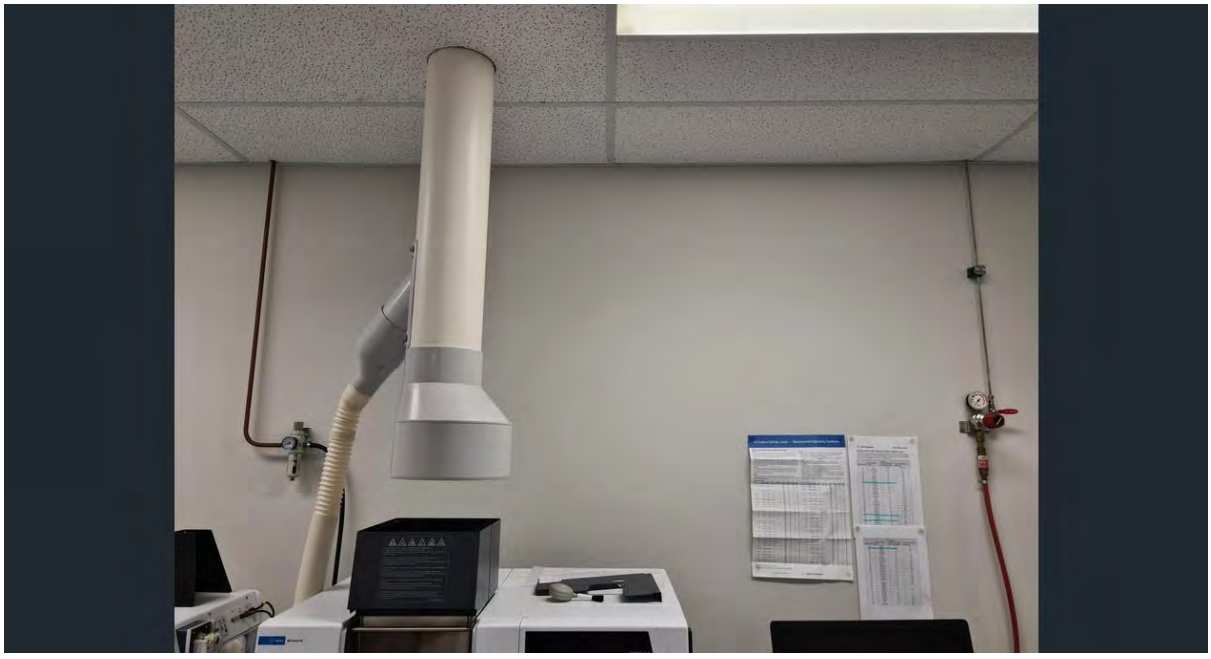
2/30 Oxleigh Drive, Malaga, WA 6090
Warehouse, Factory & Industrial • Medical & Consulting • Offices
Leased
Floor area 236 sqm
Leased on 11 April 2023

236m2 OFFICE / LABORATORY / WAREHOUSE

Rare opportunity to secure a 236m2 warehouse with laboratory fit out.

Will suit general analysis laboratory, electronics manufacturer or office use.

Key Features:
- Office / Laboratory - 100m2
- Cabled
- Extraction fan
- Reverse Cycle Air Conditioning
- Lines for gas, compressed air and vacuum
- Gas cage
- Water treatment system
- Stainless steal bench with double sink
- Security System and security bars
- Kitchen / staffroom
- Warehouse - 136m2
- Dual roller door access
- 3 phase power




LSE30P


TEMP
°C/°F
MEGOHM-CM
Above
Set-Point
Below
SET-POINT
DELAY
ADJUST
Hydro-Check
SYSTEMS, INC
414R
ALPHA Cartridge kit : IA4B02


FCM

Lease advert from 2018 indicates;

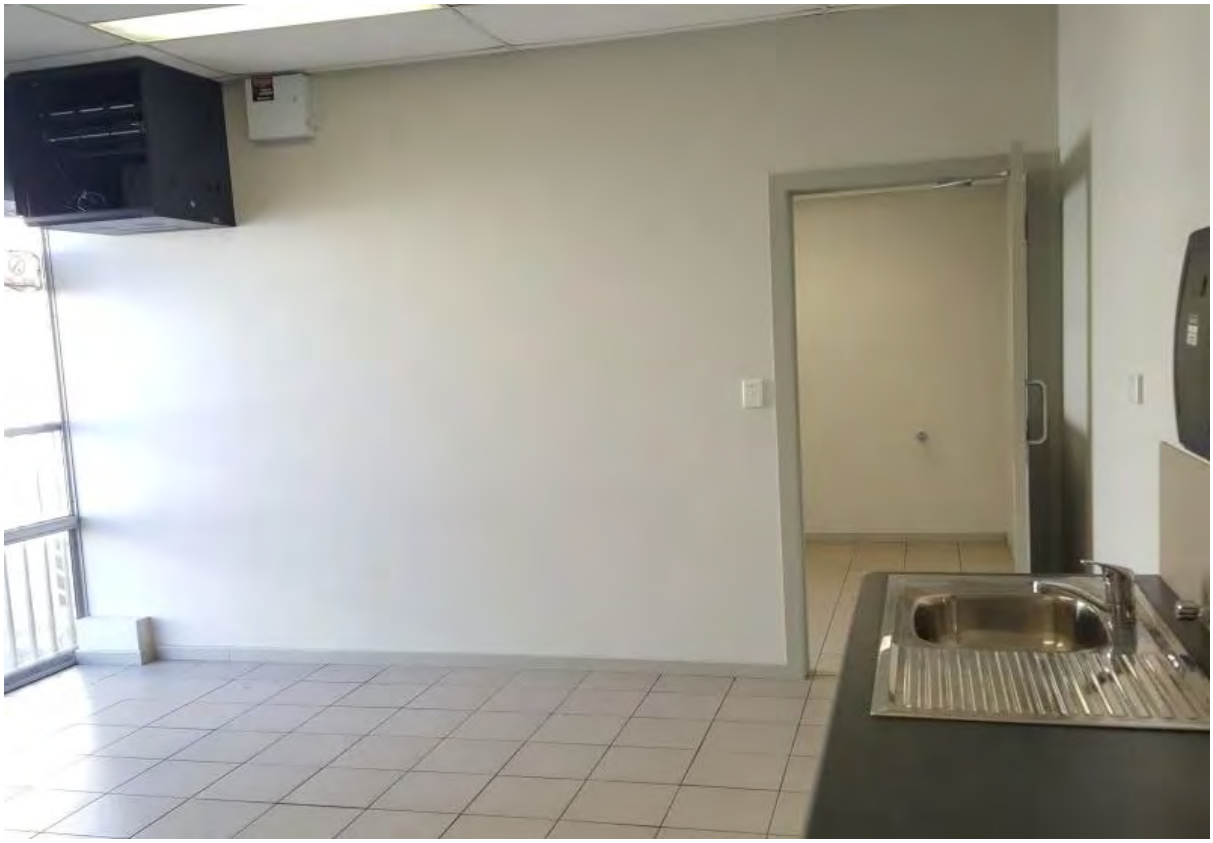
https://www.commercialrealestate.com.au/property/2-30-oxleigh-drive-malaga-wa-6090-11030621

Leased on 17 May 2018
2/30 Oxleigh Drive Malaga WA 6090
Factory, Warehouse & Industrial
236 m²
Leased

PRICE REDUCED !! 236m2 OFFICE / LAB & WAREHOUSE
Fantastic opportunity to secure a well presented 236m2 warehouse with quality laboratory fit out. Will suit general analysis laboratory, electronics manufacturer or office use.

Key Features:
- 100m2 Office / Laboratory
- Cabled including server rack
- Extraction fans
- Reverse cycle air-conditioning to Office/Lab
- Evaporative air-conditioning to warehouse
- Lines for gas, compressed air & vacuum
- Security system & security bars
- Kitchen / staffroom
- 136m2 Warehouse
- Dual roller door access with security bollards
- Multiple 3-phase power outlets

Conveniently located with easy access to Beach Road, Alexander Drive & Reid Hwy.



COMMENT AND RECOMMENDATION

The Element Zero industrial facility appears to be in operation and a number of employees/staff have been observed at the facility. It was noted POI 2 KOLODZIEJCZYK was observed at the facility and apparently setting up offices for Element Zero nearby. Further surveillance and investigation should provide further information if this is the case.

Surveillance is continuing and we will provide a further updated report in due course.

We trust this information helps in the conduct of this matter.

Regards

ROBERT LANCASTER
DIRECTOR

Lancasters
Investigations

For the use of client legal advisers - Privileged

24 April 2024

Darren Perry
Partner
Seyfarth Shaw Australia
1 Farrer Place
NSW 2000

CC
Adrian Huber
adrian.huber@fortescue.com

Phil McKeiver
phil.mckeiver@fortescue.com

Dear Darren,

YOUR REF: TBA
REF: ELEMENT ZERO FACILITY
OUR REF: 24.422.10

We thank you for your instructions in this matter and we now submit our further surveillance report for your perusal. In accordance with your instructions the ELEMENT ZERO Industrial Unit located at Unit 2, 30 Oxleigh Drive, Malaga, WA was placed under a period of surveillance.

On the second day of surveillance on Tuesday 23 April 2024 POI 2 KOLODZIEJCZYK was again observed at the Element Zero facility. He was also observed to come and go from an office building nearby using a keypad security code and appeared to be setting up offices in the building as there were Electricians and Air Conditioning contractors observed working in UNIT 1 within the building.

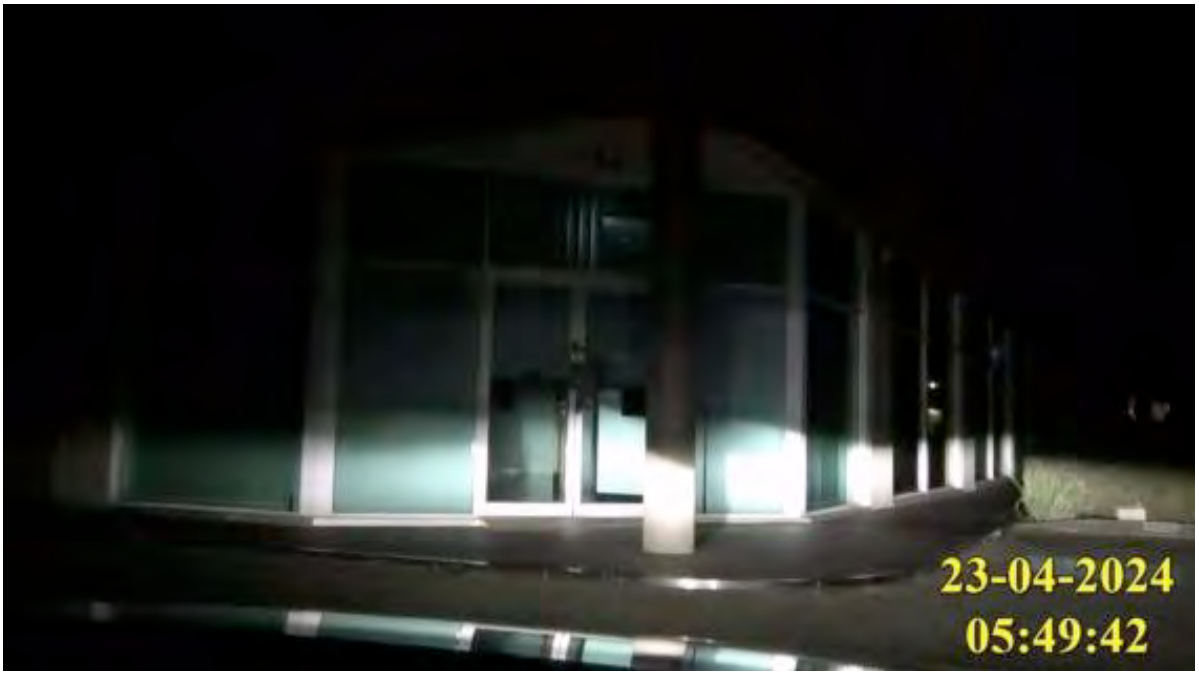
SURVEILLANCE REPORT

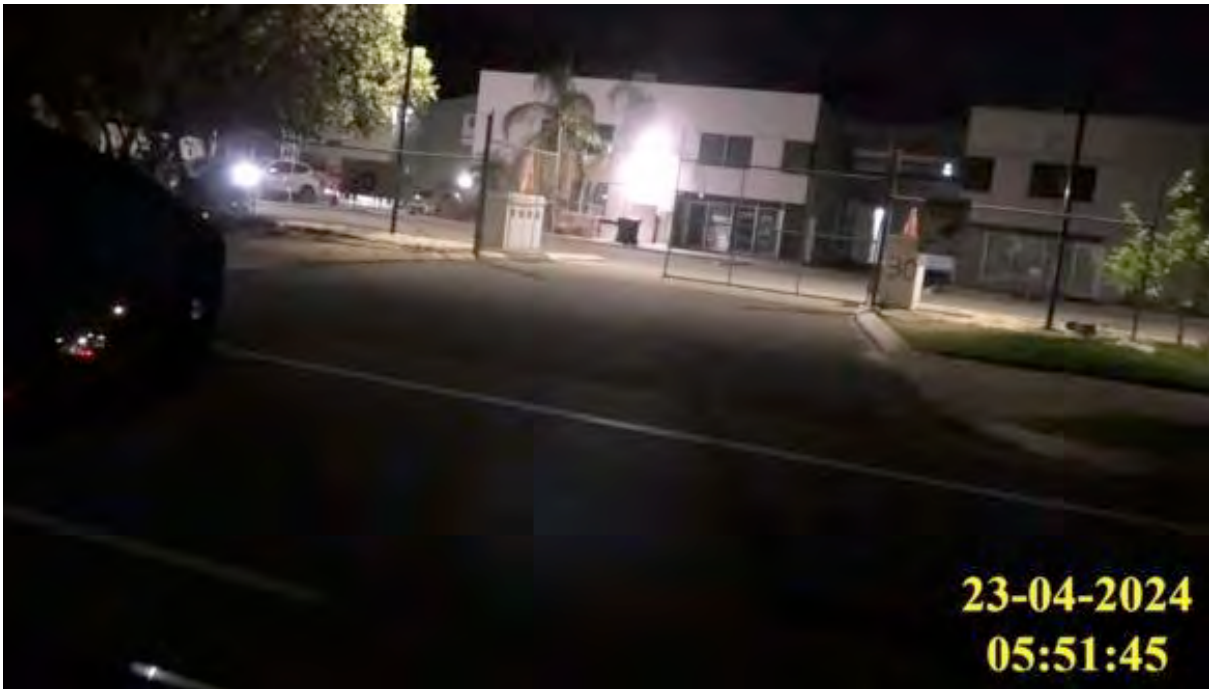
LOCATION: **ELEMENT ZERO**
Industrial Unit 2, 30 Oxleigh Drive, Malaga, WA.

SECONDARY ADDRESS: Office building 19 Oxleigh Drive Malaga, WA

TUESDAY 23 April 2024

0600 Operatives RC and MP commenced surveillance in the vicinity of UNIT 2, 30 Oxleigh Drive, Malaga, WA and UNIT 1/ 19 Oxleigh Drive, Malaga, WA. An Audi arrived and parked outside UNIT 2 and a male exited the vehicle and appeared to open up Unit 2.



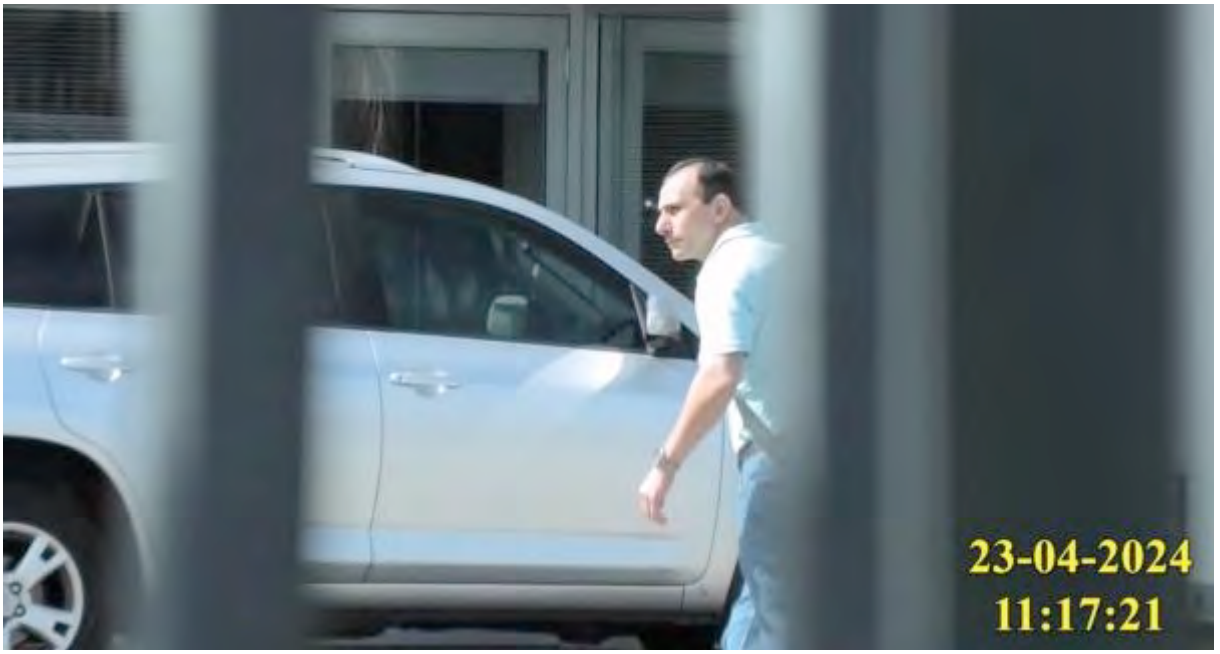


Other employees/staff were observed arriving and entering the Element Zero facility through the morning.

1102 POI 2 KOLODZIEJCZYK arrived in an Uber and entered the offices at 19 Oxleigh Road. POI 2 was wearing a blue jacket over a white shirt, beige trousers and carried a back pack.

1111 POI 2 exited the offices and walked down the road and entered the Element Zero facility at UNIT 2.

1116 An unidentified male arrived in a Mercedes entered UNIT 2.

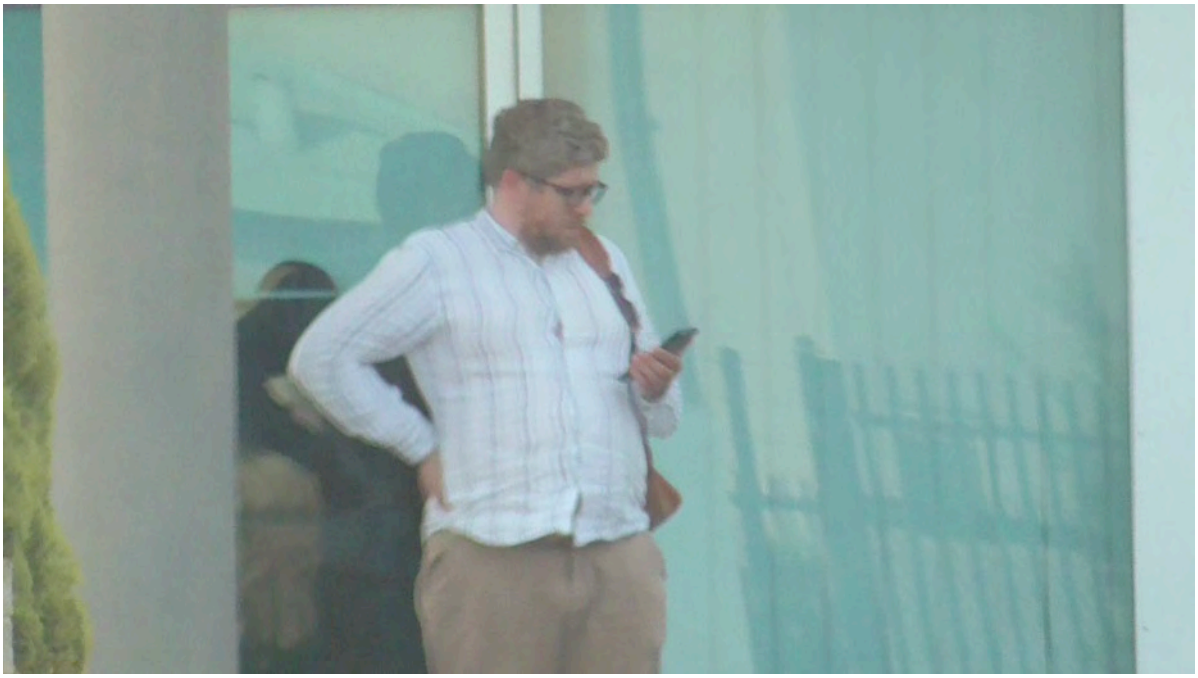


1453 POI 2 exited UNIT 2 and walked back to the offices at UNIT 1, 19 Oxleigh Road.

It noted was Electricians and Air Conditioner contractors had arrived and were working within UNIT 1, 19 Oxley Avenue.

1301 POI 2 exited the office building at 19 Oxleigh Drive and walked back to the Element Zero facility at UNIT 2.

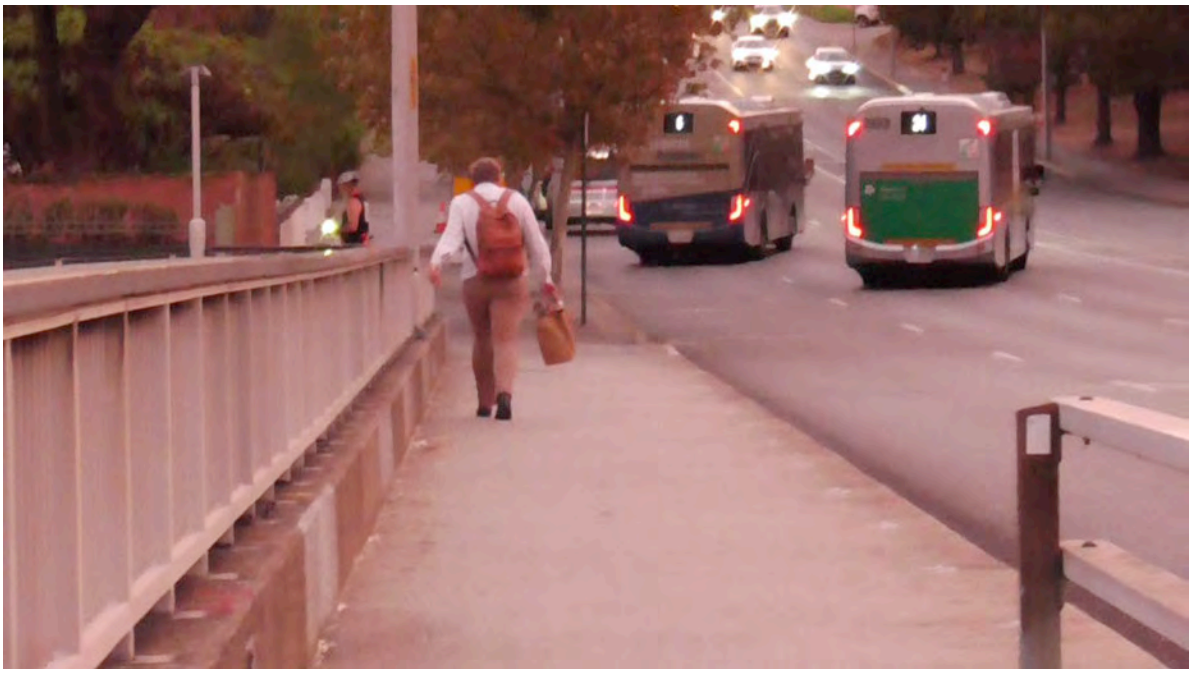
1628 POI 2 exited the Element Zero facility at UNIT 2 and walked back to UNIT 1, 19 Oxleigh Drive. He entered the office building briefly before exiting with his backpack and stood waiting and checking his mobile phone. After a few minutes an Uber arrived, and POI 2 entered the vehicle which departed and was followed towards the Perth CBD.

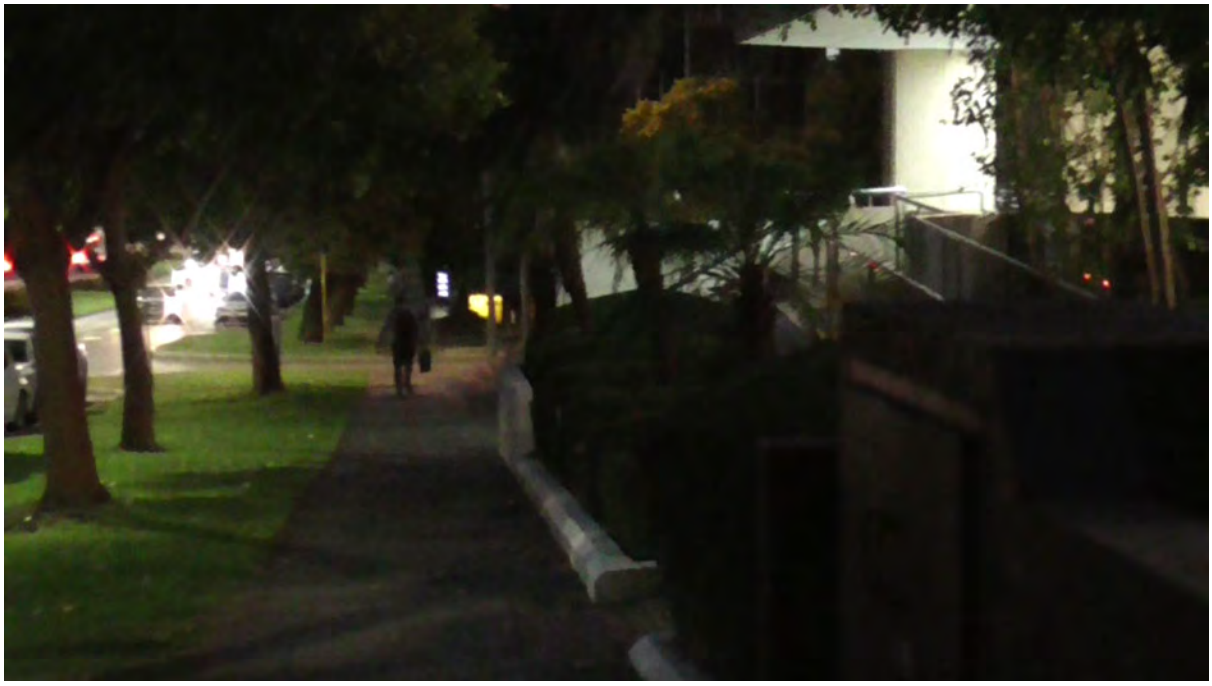


1644 The Uber arrived and parked in Saint Georges Terrace, Perth. POI 2 exited the Uber and walked from the area. Minutes later POI 2 was observed seated in the 'Grilld' restaurant on St Georges Terrace. He purchased and consumed a burger meal on his own and was observed checking his mobile phone.

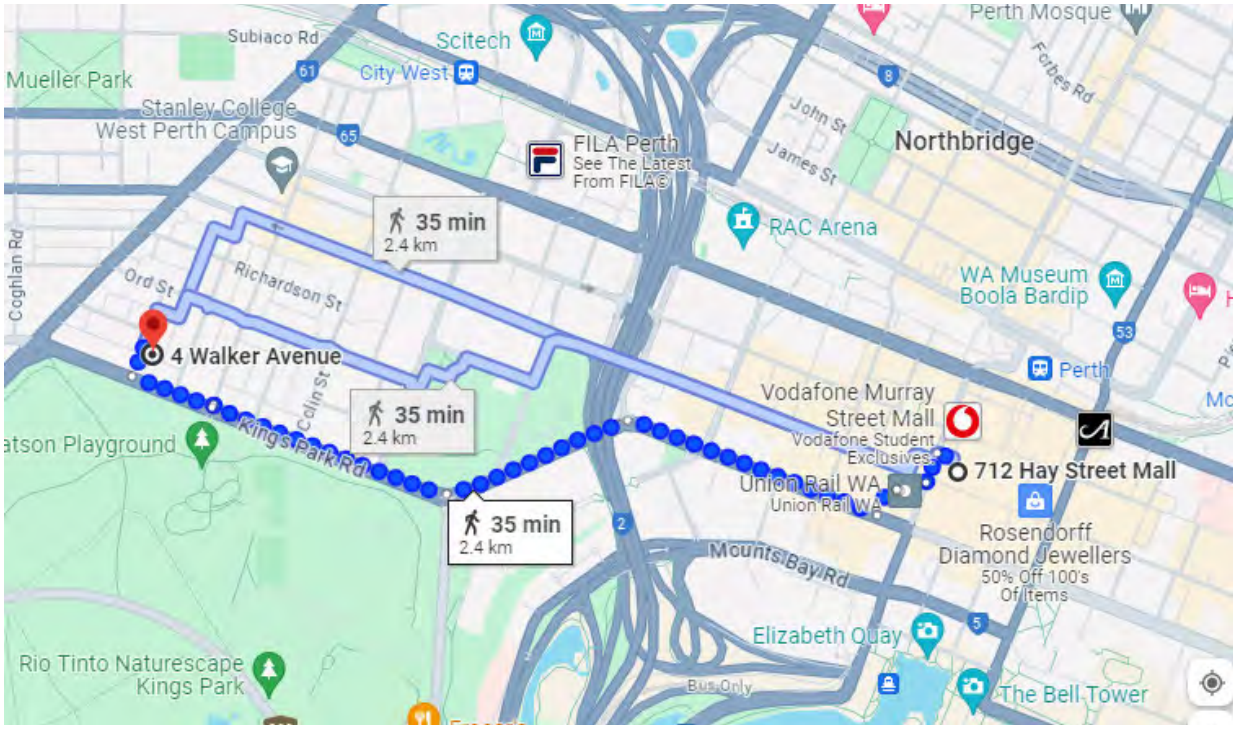
1726 POI 2 exited 'Grilld' and walked towards the CBD and was followed on foot. POI 2 entered a K Mart store and walked into the toy section. He picked up several toys and walked toward the checkout area.

1743 POI 2 purchased the toys and then exited K mart and walked towards Kings Park carrying his backpack and a shopping bag with the toys.





1810 POI 2 walked into Walker Avenue and entered the 'Tribe Hotel', located at 4 Walker Avenue, West Perth, WA.



1900 POI 2 remained inside the hotel. Surveillance ceased.

COMMENT AND RECOMMENDATION

The Element Zero industrial facility appears to be in operation and a number of employees/staff have been observed at the facility.

POI 2 KOLODZIEJCZYK was observed at the facility and apparently still setting up offices for Element Zero nearby at UNIT 1, 19 Oxleigh Drive, Malaga.

Surveillance is continuing and we will provide a further updated report in due course.

We trust this information helps in the conduct of this matter.

Regards

ROBERT LANCASTER
DIRECTOR

Lancasters
Investigations

For the use of client legal advisers - Privileged

24 April 2024

Darren Perry
Partner
Seyfarth Shaw Australia
1 Farrer Place
NSW 2000

CC
Adrian Huber
adrian.huber@fortescue.com

Phil McKeiver
phil.mckeiver@fortescue.com

Dear Darren,

YOUR REF: TBA
REF: BJORN WINTHER-JENSEN
OUR REF: 24.422.11

We thank you for your instructions in this matter and we now submit our further surveillance report for your perusal. In accordance with your instructions the subject BJORN WINTHER-JENSEN was placed under a period of surveillance

On the third day of surveillance, Tuesday 23 April the subject was active with his wife and was observed to attend a shopping centre then return to their residence. The young Asian female was observed to depart from the residence and later return dressed in a school uniform and appears resident with the subject and his wife.

Telephone (612) 8095 6377 Facsimile (612) 8095 6378 Email-mail@lancasters-global.com Internet Site -wwwJancasters-globaI.com
A.B .N. 69 054 137 656

SURVEILLANCE REPORT

SUBJECT POI 3: **BJORN WINTHER-JENSEN**

DATE OF BIRTH **09/04/1960**

ADDRESS: **UNIT 4, 213 GILDERCLIFFE STREET SCARBOROUGHWA6019**

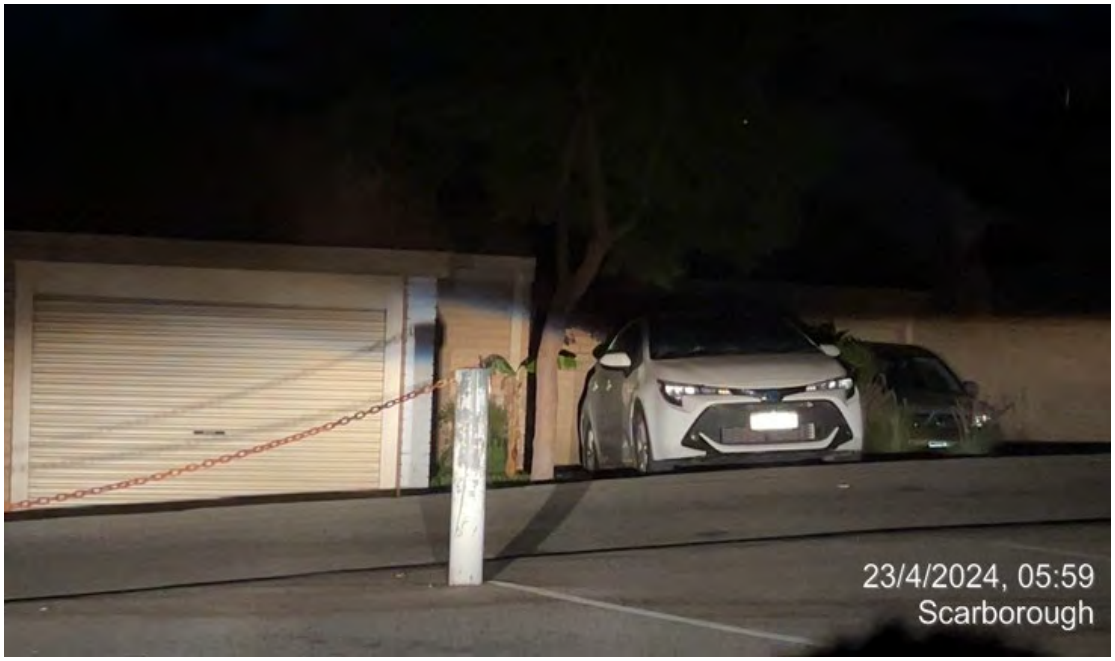
WIFE **ORAWAN WINTHER-JENSEN**

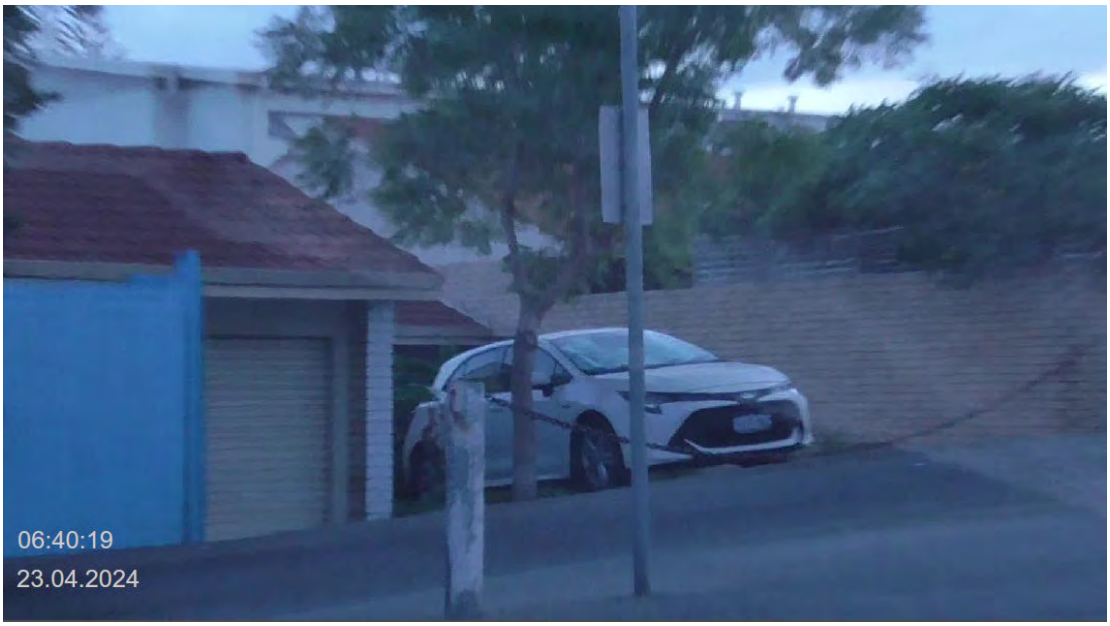
CHILDREN **ONE FEMALE AGED APPROX 16 POSSIBLE DAUGHTER**

VEHICLES: **White Toyota Corolla Registration 1HID-902**

Tuesday 23 April 2024

0559 Operative AS and Operative CP arrived in the vicinity of Unit 4, 213 Gildercliffe Street, Scarborough, WA, 6019. The Unit backs onto Kulin laneway, which has rear access and garage for the residence via this lane. The subject's Toyota 1HID 902 was parked to the right of the garage facing outward. No activity observed.





0810 The subject exited the residence and was observed watering plants in the driveway. The subject was wearing blue/grey short sleeve shirt, black pants and brown sandals. After several minutes he returned inside the residence from view.

0829 A young Asian female in school uniform exited the residence and departed on foot on Kulin Lane.

0907 The subject exited the residence collected a parcel that was delivered by a courier that had 'Pet Circle' signage on the vehicle . The subject was now wearing a black zipped cardigan.

0953 The subject exited the residence and walked North along Kulin Lane and was followed. The subject was now wearing a striped grey t-shirt, black shorts and runners, carrying a towel and water bottle. The subject entered a local Community Leisure Centre and entered a Gym. The subject was observed on a Peloton bike trainer working out.

1051 The subject exited the Gym and returned to his residence on foot.

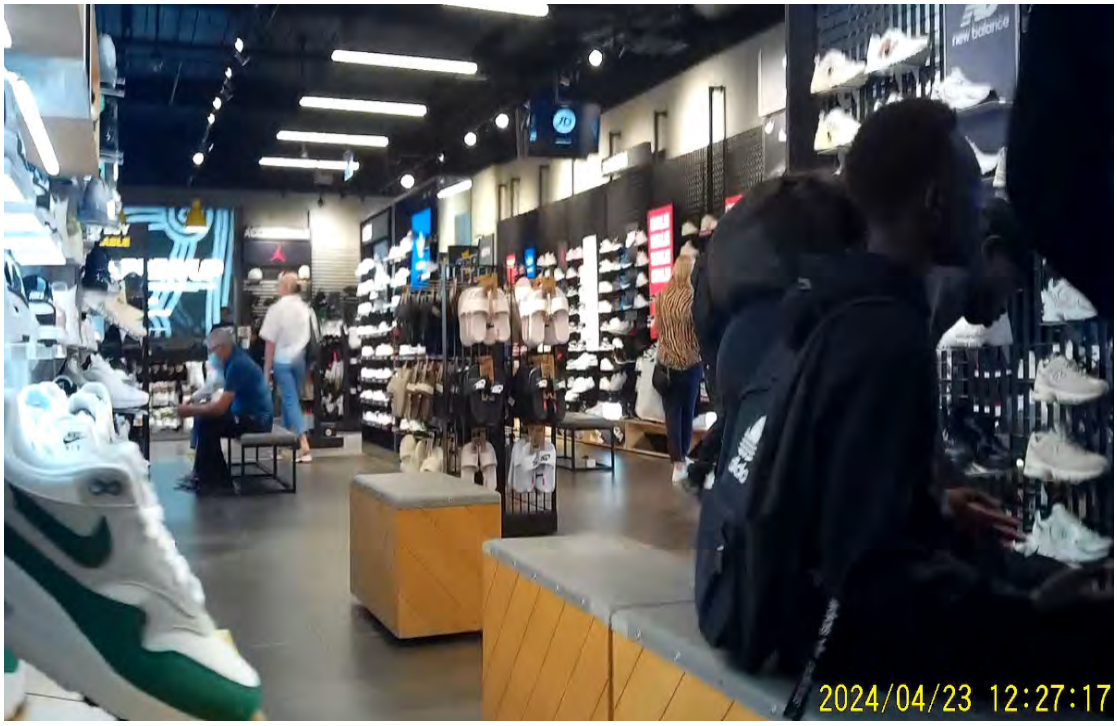
1126 The subject and his wife exited their residence and entered the Toyota 1HID 902 departed and were followed.

1139 The Toyota was followed to a carpark at Karrinyup Shopping Centre, 200 Scarborough Beach Road. The subject and his wife exited the carpark and walked into the centre from B1 parking area. It was noted the subject and his wife were wearing face masks.

1141 The subject and his wife walked slowly hand in hand to the food court and perused the food outlets

1156 The subject purchased a coffee and muffin from Soul Origin, and his wife purchased food from Viet Hoa. After consuming their food and drinks both were then followed into the shopping centre where they viewed several shop window displays.

1227 The subject and his wife entered a JD Sports store and the subject tried on several pairs of trainers.



1318 The subject and his wife descended on an escalator to the carpark of the shopping centre.

The subject and his wife entered their vehicle, departed and were followed to an Ampol Service Station at 74 Scarborough Beach Road, Scarborough.

1331 The subject fueled the vehicle and his wife entered the Service Station and paid then she returned to the vheicle which then departed and was followed back to their residence.

1338 Subject and partner return to residence.

Several walk pasts were conducted and no activity was observed.

1539 The Young Asian female returned from school and entered the residence from view.

1628 A walk past revealed no activity.

1808 A light behind the blue gate to garden area was turned on; no other movment detected.

16.15 The young asian female was observed taking in the Otto bins.

18.37 A young female and male arrived in Toyota Rav 4 registration 1GZU 524 and parked outside the residence. Both exited the vehicle and entered the residence from view.

1917 The young female and male exited the residence and returned to the Rav 4 and departed.

19.20 External lights were turned off.

20.00 Ceased surveillance. The Toyota remained parked outside the residence.

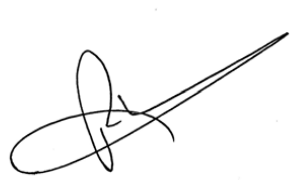
COMMENT AND RECOMMENDATION

The subject was observed at his residence with his wife. It appears he has a daughter aged approximately 16 years residing with him and his wife.

Surveillance is continuing and we will provide a further updated report in due course.

We trust this information helps in the conduct of this matter.

Regards



ROBERT LANCASTER
DIRECTOR

Lancasters
Investigations

For the use of client legal advisers - Privileged

26 April 2024

Darren Perry
Partner
Seyfarth Shaw Australia
1 Farrer Place
NSW 2000

CC
Adrian Huber
adrian.huber@fortescue.com

Phil McKeiver
phil.mckeiver@fortescue.com

Dear Darren,

YOUR REF: TBA
REF: BJORN WINTHER-JENSEN
OUR REF: 24.422.14

We thank you for your instructions in this matter and we now submit our further surveillance report for your perusal. In accordance with your instructions the subject BJORN WINTHER-JENSEN was placed under a period of surveillance

On Wednesday 24 April the subject was active with his wife and went for a walk, attended a Medical Centre, Pharmacy and a shopping centre.

On Thursday 25 April the subject was briefly observed outside his residence watering his plants.

SURVEILLANCE REPORT

SUBJECT POI 3: **BJORN WINTHER-JENSEN**

DATE OF BIRTH **09/04/1960**

ADDRESS: **UNIT 4, 213 GILDERCLIFFE STREET SCARBOROUGHWA6019**

WIFE **ORAWAN WINTHER-JENSEN**

CHILDREN **ONE FEMALE AGED APPROX 16 POSSIBLE DAUGHTER**

VEHICLES: **White Toyota Corolla Registration 1HID-902**

Wednesday 24 April 2024

0559 Operative MP commenced observations in vicinity Unit 4/ 213 Gildercliffe Scarborough. The Hyundai (1HID-902) was parked beside the residence.

0744 The subject POI 3 WINTHER-JENSEN exited the blue gate onto the lane carrying a watering can and watered the plants by the driveway. He then returned inside the residence from view.

0823 The subject and his wife exited the residence and entered the Hyundai 1HID-902 and departed the area and were followed.

0831 The vehicle parked at Marlock Reserve, and the subject exited the vehicle and walked around the lake with his wife.

0858 The subject and his wife returned to and entered their vehicle, departed and were followed to their residence where they parked the vehicle and entered the residence from view. It was noted the subject's wife drove the vehicle.

1000 The subject exited the residence accompanied by his wife. It was noted he carried a Green folder. Both entered their vehicle which then departed and was followed.

1005 The vehicle parked at a carpark at the 'Scarborough Beach Medical Centre'. The subject exited the vehicle and entered the Medical Centre from view. His wife remained in the vehicle.

1030 Operative MP departed the area, operative RC commenced surveillance outside Scarborough Beach Medical Centre, 37 Scarborough Beach Road.

1031 The subject exited the Medical Centre and returned to his vehicle which departed and was followed to a small shopping complex about 300 meters away.

The subject exited the vehicle wearing a mask and entered a Pharmacy. After a several minutes the subject exited the Pharmacy and returned to the vehicle which departed and was followed to the 'Westfield Shopping Centre', at Osborne Park where the subject's wife parked the vehicle in the shopping center carpark.

Both exited the vehicle and entered the shopping center. It was noted both wore face masks.

1212 The subject and his wife returned to their vehicle, with the subject carrying a green shopping bag containing items. Both entered their vehicle which then departed and was followed a short distance where it was parked outside of a shop with signage 'Spudshed'. Both entered the shop and minutes later returned to their vehicle and loaded shopping items into the vehicle. They then entered the vehicle which departed and was followed back to their residence.

1252 The subject and his wife unloaded the shopping items and entered their residence from view.

2000 No further movement. Lights were on inside the residence. Ceased surveillance.

THURSDAY 25 April 2024

0559 Operative CE commenced surveillance in the vicinity of Unit 4, 213 Gildercliffe Street Scarborough WA 6019. The subject's Toyota 1HID-902 was parked near the residence.

0801 The subject exited the residence and watered the plants near the driveway using a watering can. He then returned inside the residence from view.

2000 No further activity was observed. Lights were on inside the residence. The subject remained inside his residence from view. Ceased surveillance.

COMMENT AND RECOMMENDATION

The subject was active during the surveillance period.

Surveillance is continuing and we will provide a further updated report in due course.

We trust this information helps in the conduct of this matter.

Regards

ROBERT LANCASTER
DIRECTOR

Lancasters
Investigations

For the use of client legal advisers - Privileged

25 April 2024

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Phil McKeiver
phil.mckeiver@fortescue.com

Dear Darren,

YOUR REF: TBA
REF: ELEMENT ZERO FACILITY
OUR REF: 24.422.13

We thank you for your instructions in this matter and we now submit our further surveillance report for your perusal. In accordance with your instructions the ELEMENT ZERO Industrial Unit located at Unit 2, 30 Oxleigh Drive, Malaga, WA was placed under a period of surveillance.

On the Third day of surveillance Wednesday 24 April 2024 POI 2 KOLODZIEJCZYK was again observed at the Element Zero UNIT 2, 30 facility and the offices at UNIT 1, 19.

Other activity was observed at the Element Zero facility and a close check revealed a delivery of two large containers, and other individuals of potential interest were observed and followed. It was noted that during the surveillance period POI 2 attended what appeared to be a Chartered Accountants office with another male from the Element Zero facility.

SURVEILLANCE REPORT

LOCATION: **ELEMENT ZERO**
Industrial Unit 2, 30 Oxleigh Drive, Malaga, WA.

SECONDARY ADDRESS: Office building 19 Oxleigh Drive Malaga, WA

WEDNESDAY 24 April 2024

0600 Operative JS commenced surveillance in the vicinity of the Element Zero facility UNIT 2, 30 Oxleigh Drive, Malaga, WA and UNIT 1/ 19 Oxleigh Drive, Malaga, WA. A check of Unit 1, 19 Oxleigh Drive was also carried out. Both premises were closed with no activity.

0816 A close check of the internal area of the Element Zero facility indicated what appeared to be two new reinforced (fluid?) containers inside the facility.

0818 A close check of UNIT 1/19 Oxleigh Drive, Malaga and a black, Ford Fairmont registration 1CUS-853 was parked in carpark outside UNIT 1, which appeared to now be opened.

0900 Operative AS arrived at location after following POI 2 Bart Kolodziejczyk from his hotel after he caught an Uber and entered the offices at UNIT 1, 19.

0919 POI 2 exited the UNIT 1, 19 office building and walked to and entered the Element Zero facility at UNIT 2/30 Oxleigh Drive.

1047 POI 2 exited the Element Zero facility and walked to and entered UNIT 1/19 Oxleigh Drive.

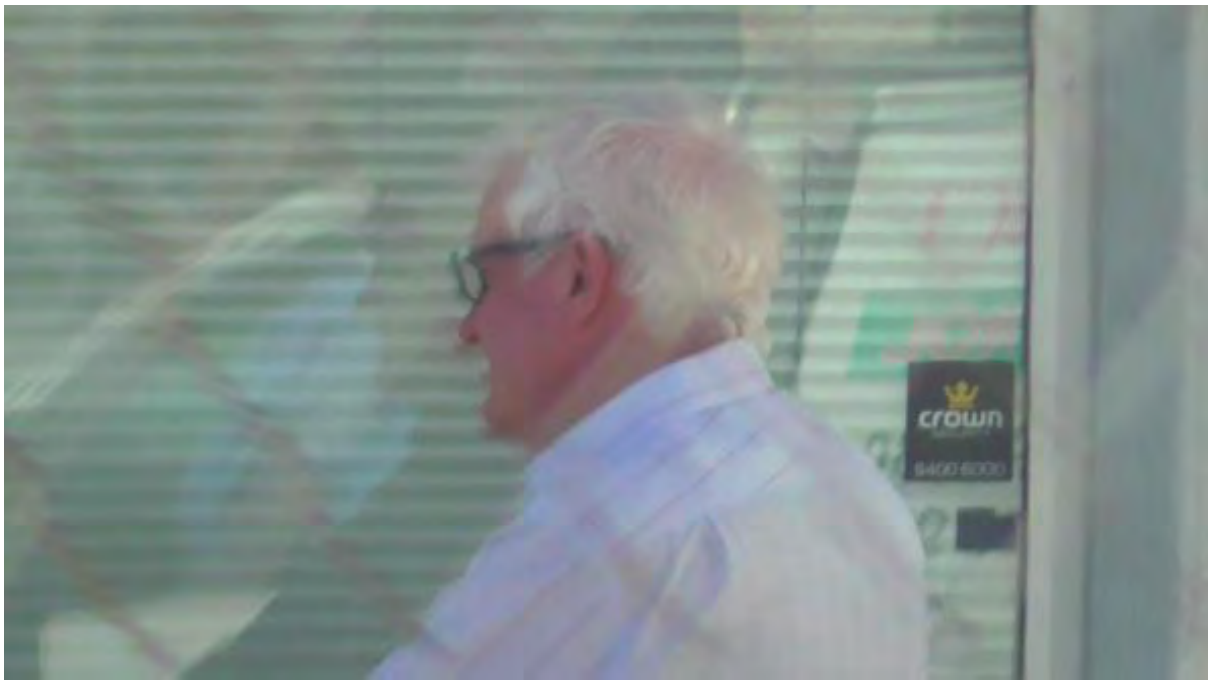
1103 Numerous people departed the Element Zero facility at UNIT 2/30 and walked to the office building and entered UNIT 1/19. All the persons were carrying folders/paperwork. It was noted one of the males had been observed arriving at the facility previously.

1154 A 2008, grey, Jaguar XF registration 1DJU-956 arrived and parked in disabled space in front of UNIT 19 Oxleigh Drive. A Caucasian female with tattoos on her right arm exited the vehicle, walked to and entered the building via a side door. Extra surveillance assets were deployed to assist in following the female on her departure.

1244 POI 2 Kolodziejczyk and group of employees exited UNIT 1/19 and returned to the Element Zero facility at UNIT 2/30.

1250 Operative BC arrived at location to assist.

1323 A silver Subaru BRZ registration 1EKM 410 arrived and parked outside the Element Zero facility and a grey haired Caucasian male exited the vehicle dressed in business attire and held a conversation with staff members at the facility.



1423 The female exited the side entrance of 19 and entered her grey, Jaguar XF registration 1DJU-956 and departed and was followed to [redacted] where on arrival an electric garage door opened automatically, and the female drove into the garage from view. It was noted a 2006, black, Land Rover, Range Rover registration 1CES-843 was parked in driveway of residence. Surveillance maintained on the residence.

Operative JS arrived in the vicinity to assist.

1500 The grey-haired male departed the Element Zero facility alone in his Subaru.

1510 The female exited the garage in the Jaguar 1DJU-956 and was followed back to 19 Oxleigh Drive, Malaga, and parked again in the disabled space. She exited her vehicle and entered the building via the side entrance. It could not be ascertained if she was associated with Element Zero at UNIT 1, 19 or if she had another business in the building.

1524 POI 2 was observed walking near UNIT 2, 30 Oxleigh Drive carrying his backpack. He was then joined by a younger male who had exited the Element Zero facility. Minutes later an Uber arrived, and POI 2 and the male entered the Uber which departed and was followed.

1604 The Uber stopped outside 284 Oxford Street, Leederville. It was noted there are two business listed at the address, a chartered accountant and a Finance company. POI 2 and the young male exit the Uber and were greeted by a male from number 284. They all shook hands and then entered the premises and appeared to enter the offices of the Accountants offices.

1616 POI 2 and the young male exited the business, and the young male departed the area on foot. POI 2 was observed checking his mobile telephone and then departed on foot and was followed. After several hundred meters POI 2 turned around and walked back to 284 Oxfors Street where visual contact was lost.

Checks were carried out around the business and also at 'Grilld' in Leederville. POI 2 was not observed.

1718 Operative arrived at the Tribe Hotel in Walker Avenue West Perth. POI 2 was not observed. Surveillance maintained in the vicinity.

1742 POI 2 arrived at the hotel as front seat passenger in a black Land Rover Defender registration UPS 079.

1809 The female exited the side entrance of 19 and entered her Jaguar 1DJU-956 and departed and was followed back to her residence at [redacted] and drove straight into garage from view. The Black Range Rover 1CES-843 remained parked in the driveway.

1900 No further movement at UNIT 2 or UNIT 1. No further movement at [redacted] No further observations of POI 2. All operatives cease surveillance.

FURTHER INVESTIGATION

The Accountants Office

https://palermo.com.au

Led by John Palermo and Davina Ruland, together with a team of experienced industry specialists, we offer clients a wealth of expertise distilled over 40 years.

To nurture growth, sustainability and vision requires the expertise of a well-resourced team of qualified professionals who can provide sound, intuitive advice and creative solutions amidst an increasingly complex business environment.

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John Palermo is a Partner and Head of Business Advisory at Palermo Chartered Accountants and has over 25 years experience in public practice and industry.

Official Appointments include:

Board Chair and Director, Chartered Accountants Australia and New Zealand.

Deputy Chair, Royal Perth Hospital Medical Research Foundation.

Deputy Chair, West Australian Ballet

Council Member, Wesley College

Honorary Consul of Uruguay

Qualifications:

Bachelor of Business

Fellow of Chartered Accountants Australia and New Zealand (CAANZ)

Fellow of Association of Chartered Certified Accountants (ACCA)

Member of the Governance Institute of Australia

COMMENT AND RECOMMENDATION

The Element Zero facility appears to be operating and it was noted there had been a delivery of two large reinforced containers in the facility.

It is apparent that Element Zero now has offices in UNIT 1, 19 Oxliegh Drive.

Surveillance is continuing and we will provide a further report in due course.

We trust this information helps in the conduct of this matter.

Regards

ROBERT LANCASTER
DIRECTOR

Lancasters
Investigations

For the use of client legal advisers - Privileged

26 April 2024

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Dear Darren,

YOUR REF: TBA
REF: ELEMENT ZERO FACILITY
OUR REF: 24.422.15

We thank you for your instructions in this matter and we now submit our further surveillance report for your perusal. In accordance with your instructions the ELEMENT ZERO Industrial Unit located at UNIT 2, 30 Oxleigh Drive, Malaga, WA was placed under a period of surveillance.

On Thursday 25 April 2024 a young male was observed opening the main gates to the Element Zero facility and then opening the rollers doors. The young male remained all day and no other person attended the facility or the offices at UNIT 2, 19 Oxleigh. The male departed in the afternoon and closed the roller doors and closed and locked the main gates before departing the area.

POI 2 KOLODZIEJCZYK was observed briefly exiting the Tribe Hotel in Perth and retrieving what appeared to be an Uber Eats order.

SURVEILLANCE REPORT

LOCATION: **ELEMENT ZERO**
Industrial UNIT 2, 30 Oxleigh Drive, Malaga, WA.

SECONDARY ADDRESS: Office building UNIT 1 19 Oxleigh Drive Malaga, WA

THURSDAY 25 April 2024

0500 Operative RC commenced surveillance outside the Tribe Hotel to await POI 2 departure.

0557 Operative JS commenced surveillance at Element Zero, UNIT 2, 30 Oxleigh Drive, Malaga. The gates were closed, no activity was observed, and the facility was in darkness. A check of UNIT 1, 19 Oxleigh Drive, Malaga. The building was in darkness with no activity observed.

0821 A white, 1999 Toyota Hilux Utility registration 1GPD-592 arrived at 30 Oxleigh and parked outside the main gates. A young male exited the vehicle and opened the main gate and then drove his vehicle inside and parked outside the Element Zero facility. He was then observed to open the two roller doors of the Element Zero Industrial Unit 2.

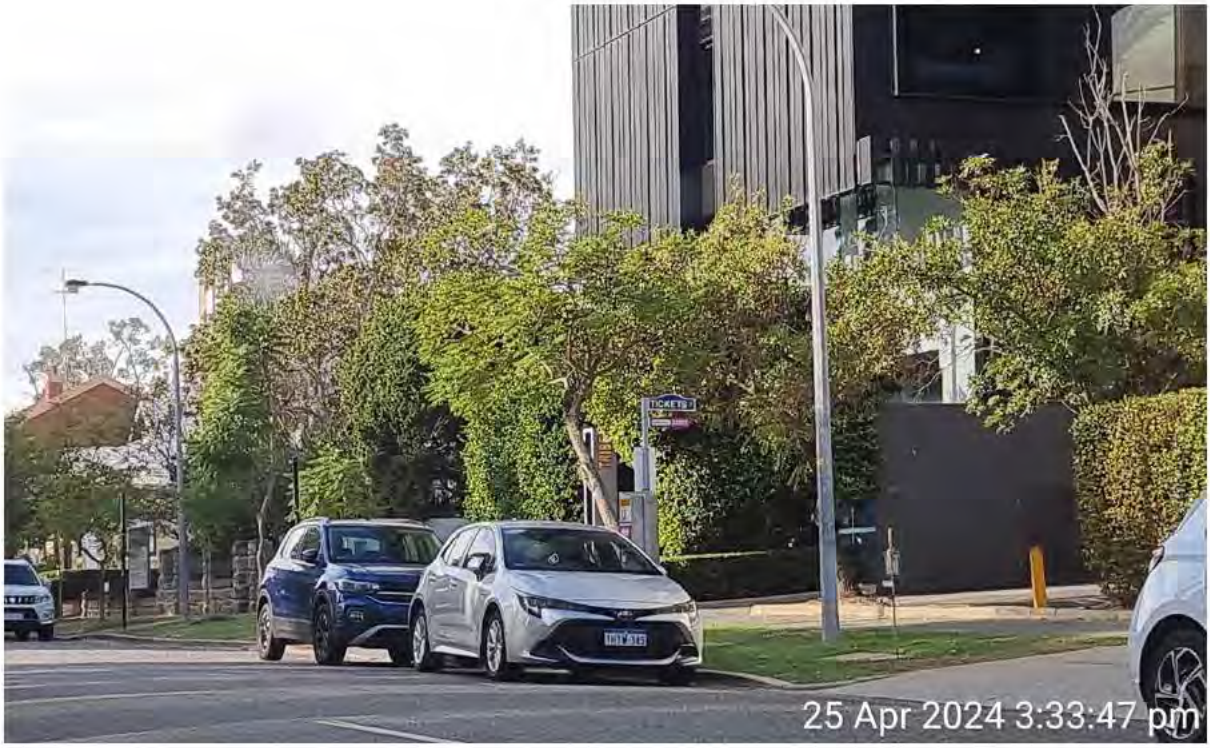
0922 The male remained at the facility.

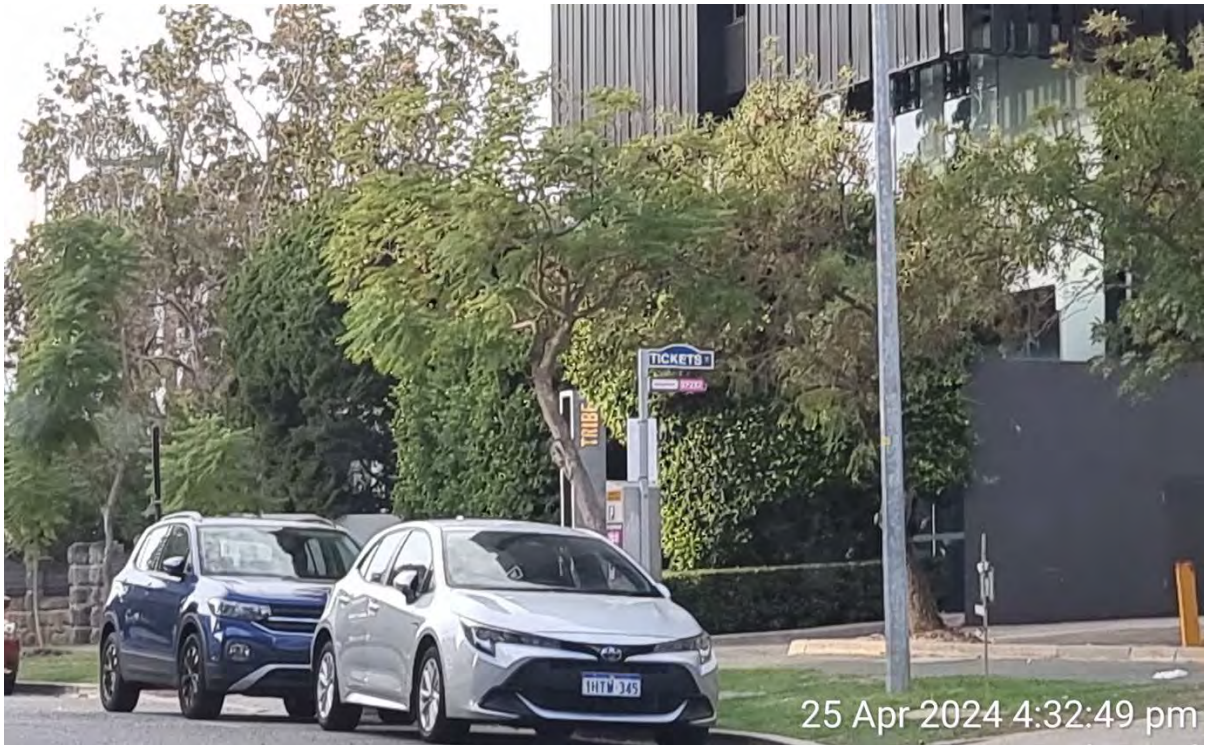
0940 A check of UNIT 1, 19 Oxleigh was carried out. No activity observed and the offices appeared closed with blinds drawn.

1039 POI 2 exited the Tribe hotel and stood outside the entrance and was observed checking his mobile phone. Within minutes a vehicle arrived (obscured) and a male handed a brown paper bag to BK which appeared to be an Uber Eats, delivery. POI 2 then returned inside the hotel from view.

1232 The male exited the Element Zero facility and walked to the main road and retrieved an Otto bin and returned it to a bin area near the facility.

Surveillance maintained outside the hotel and close spot checks were carried out and POI 2 was not observed again and remained inside the hotel from view.





1600 The Utility vehicle departed the Element Zero facility and parked outside the main gates. The young male exited the vehicle and closed and locked the front gates and then departed. No other persons were observed attending location at any time during the day. Unit 1, 19 Oxleigh remained closed all day. No persons were observed. Operative departed to Tribe Hotel.

1700 Arrive at Tribe Hotel, 4 Walker Ave, Perth to take over surveillance of POI 2 from Operative BC.

2000 Operative JS ceased surveillance. POI 2 remained inside the hotel.

COMMENT AND RECOMMENDATION

During the surveillance period a young male was observed at the Element Zero facility.

POI 2 KOLODZIEJCZYK was observed only briefly during the surveillance period.

Surveillance is continuing and we will provide a further updated report in due course.

We trust this information helps in the conduct of this matter.

Regards

ROBERT LANCASTER
DIRECTOR

Lancasters
Investigations

For the use of client legal advisers - Privileged

27 April 2024

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Phil McKeiver
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Dear Darren,

YOUR REF: TBA
REF: ELEMENT ZERO FACILITY
OUR REF: 24.422.16

We thank you for your instructions in this matter and we now submit our further surveillance report for your perusal. In accordance with your instructions the ELEMENT ZERO Industrial Unit located at Unit 2, 30 Oxleigh Drive, Malaga, WA was placed under a period of surveillance.

On Friday 26 April 2024 POI 2 KOLODZIEJCZYK was observed at both UNIT 1 and UNIT 2. Later he was followed to Perth airport where he boarded a plane to Melbourne.

During the surveillance period several individuals attended the Element Zero facility that appeared to be customers, and attempts were made to identify the individuals. Extra surveillance assets were deployed and followed several staff/employees of Element Zero to ascertain their residences and identities in order that further information could be ascertained about Element Zero from the individual employees and or from their addresses/residences should this be required during the service of the search orders.

SURVEILLANCE REPORT

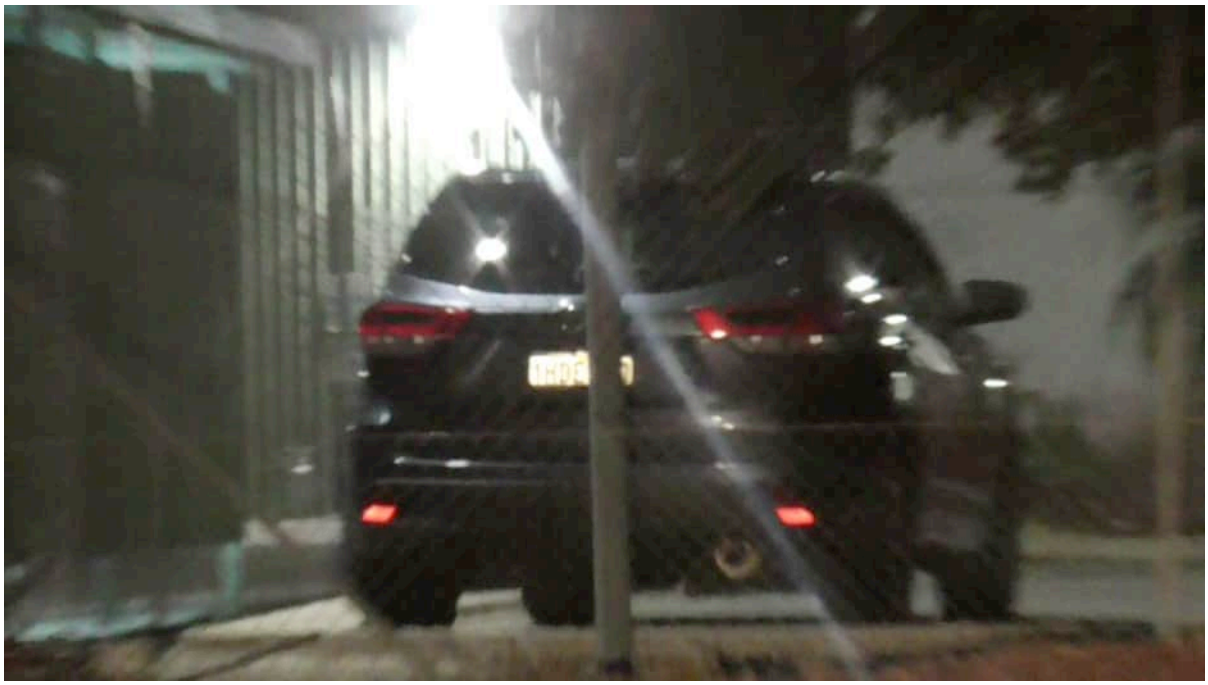
LOCATION: **ELEMENT ZERO**
Industrial Unit 2, 30 Oxleigh Drive, Malaga, WA.

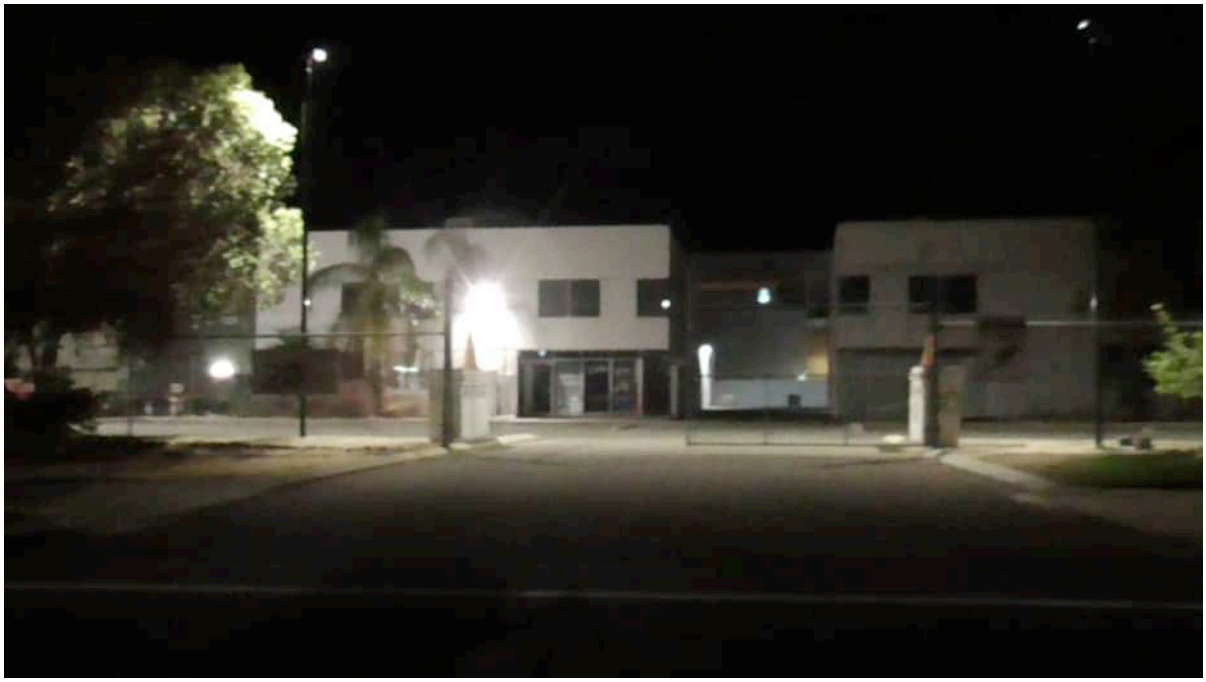
SECONDARY ADDRESS: Office building 19 Oxleigh Drive Malaga, WA

FRIDAY 26 April 2024

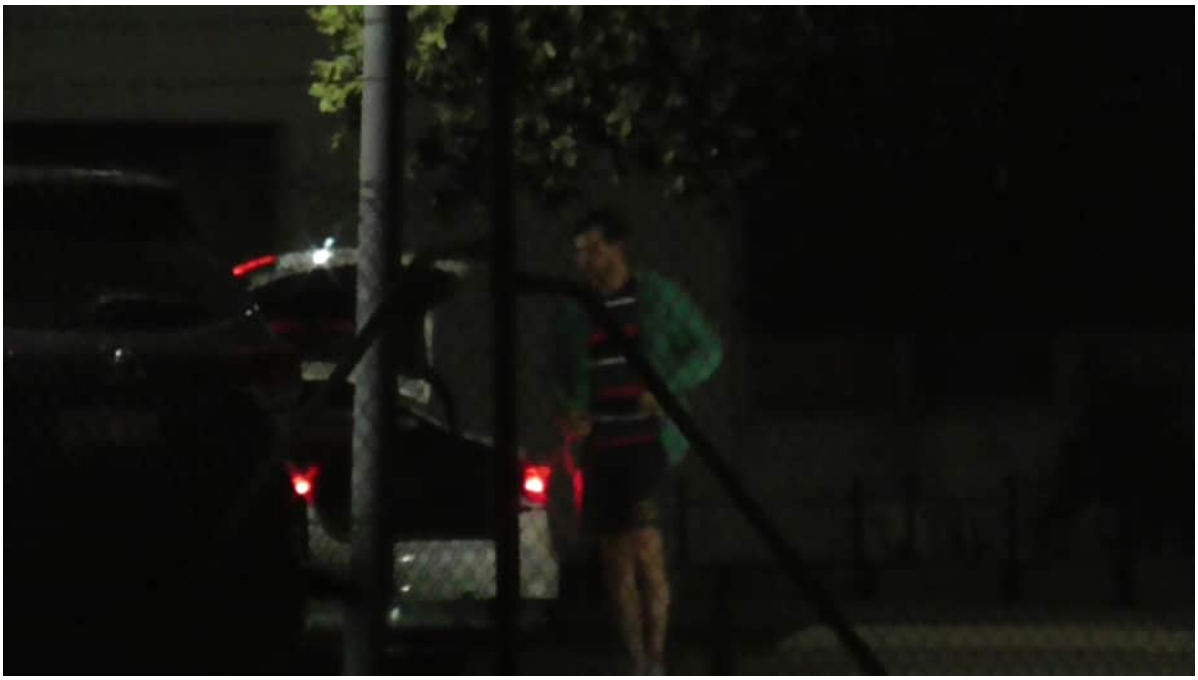
0448 Operative AS arrived in the vicinity of Tribe Hotel, Walker Street, West Perth, WA 6008.

0550 Operative RC and MP commenced surveillance outside number UNIT 2, 30 Oxleigh Drive, Malaga and UNIT 1, 19 Oxleigh Drive. At 30 Oxleigh the main front main gates were open, and a metallic grey Toyota Rav 4 was parked outside UNIT 2. No activity at UNIT 1 and all lights were off with no vehicles present.

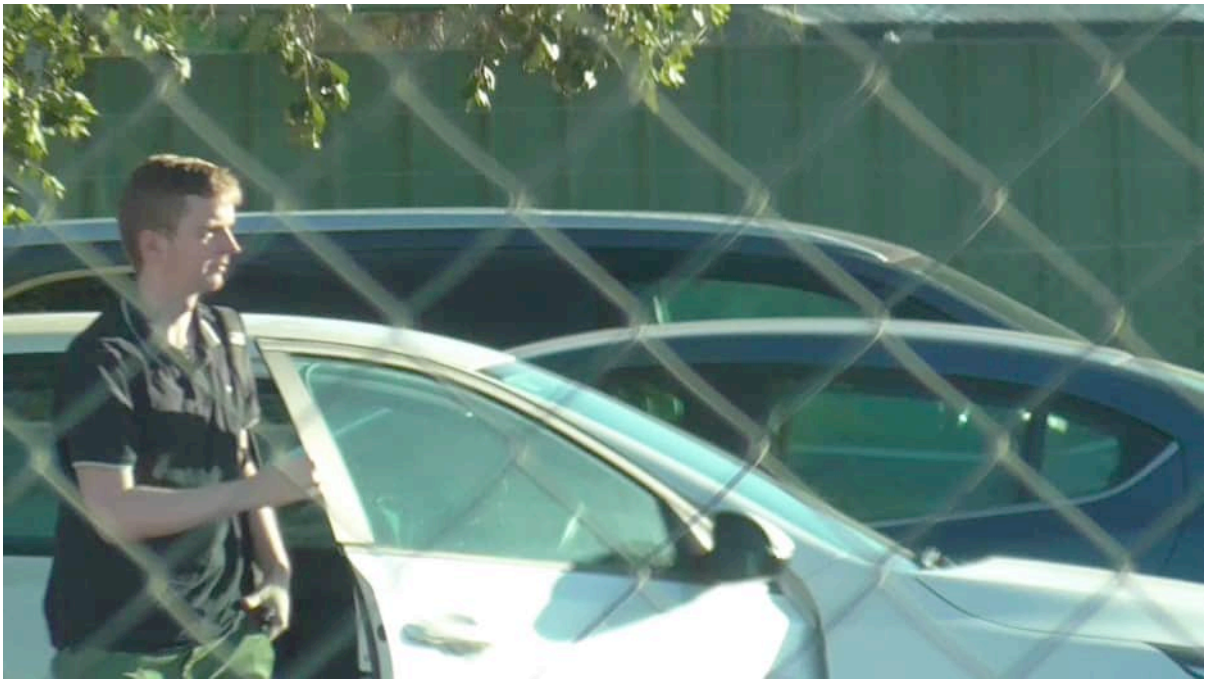




0557 A casually dressed Caucasian male arrived in a white Audi A6. He parked outside UNIT 2 and entered the facility.



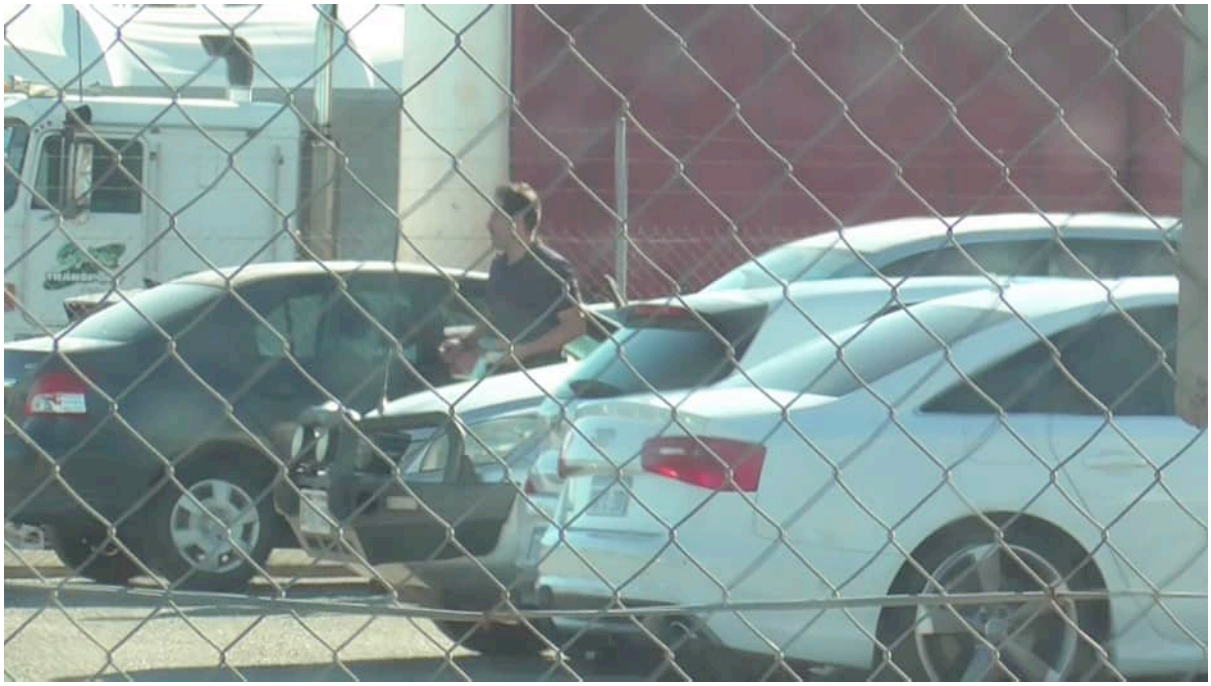
0808 The young male who accompanied POI 2 to the accountants office in Leederville arrived in a white Kia Cerato reg number 1HFD 567. He parked his vehicle outside UNIT 2 and entered the facility.



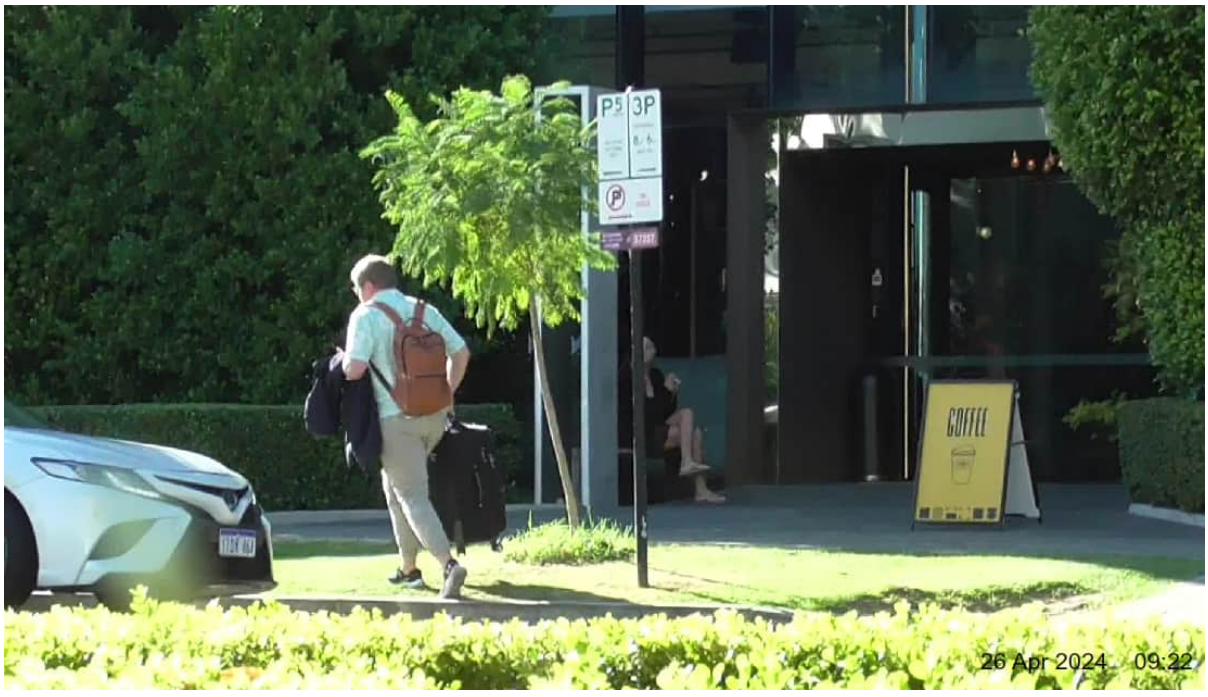
0819 A male previously observed at the Element Zero facility arrived in a black Mercedes CLS registration number 1EXB 278. The male parked the vehicle outside UNIT 2 and entered the facility carrying a satchel.

0900 Other staff arrive and park outside UNIT 2 and entered the facility.


malaga self storage



09.22 POI 2 KOLODZIEJCZYK exited the Tribe hotel wearing ankle beige chino's, light green patterned short sleeve shirt and black trainers. POI 2 carried a suitcase, backpack and a jacket. POI 2 checked his mobile phone and then boarded an Uber 1IDK 464 which departed and was followed.



0936 A Caucasian male aged in his 70s, dressed in a suit arrived in a Mazda CX5 registration number 1EEN 539 and parked outside UNIT 2. The male exited his vehicle and entered the facility from view.

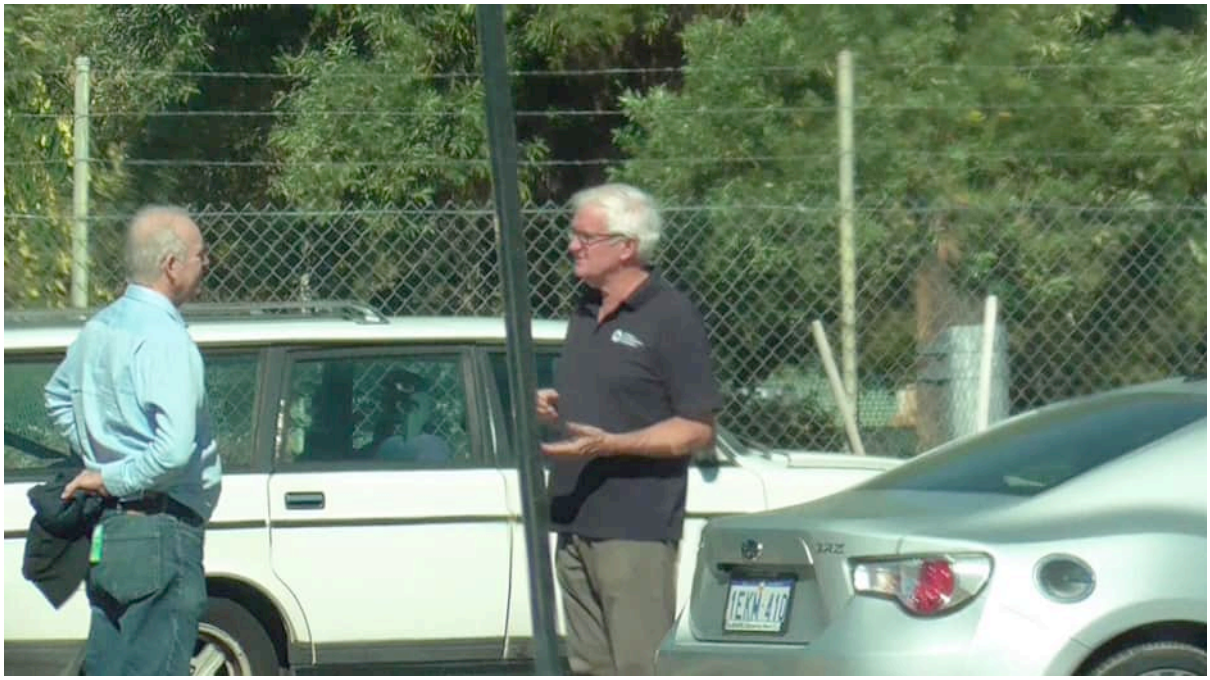
09.48 The Uber with POI 2 parked outside Unit 1/19 Oxleigh Drive. Minutes later a Silver Jaguar 1DJU 956 also arrived and parked outside 19. POI 2 entered UNIT 1 and the female driver of 1DJU 956 entered the building via a side door with a key.

1003 A Caucasian male aged late 60's arrived in a Subaru BRZ 1EKM 410 and parked outside UNIT 2. The male exited the vehicle and entered the facility.

1006 POI 2 exited UNIT 1, 19 carrying his brown day pack and walked to UNIT 2, 30 Oxleigh.

1022 The older male in a suit exited the facility and picked several chillies from a garden in the car park before he entered his vehicle, Mazda CX5 registration number 1EEN 539. The vehicle departed and was followed by Operative MP to ascertain who the male is.

1042 Another older Caucasian male arrived driving a white Volvo 240 registration number 1CYN 168. He removed 2 back packs from his vehicle. The male was greeted by the male who arrived in the silver Subaru. The second male who arrived in the Volvo was wearing black polo shirt with a logo and the words '**Phoenix Manufactured Aggregate**' on the chest.



1054 The male driving the Mazda CX5 registration number 1EEN 539 arrived and entered number [redacted]. It was noted a Blue Hyundai WA registration 1HDC-581 was parked within the garage. MP ceased surveillance and returned to Element Zero.

1055 The Subaru driver departed, and the Volvo driver entered his vehicle and moved the vehicle closer to UNIT 2 and then entered the facility.

1230 Several staff members were observed as they departed both on foot and in vehicles and returned to UNIT 2 later after lunch.

1345 The driver of the Volvo exited UNIT 2 and placed a white Box, a black back pack and a brief case into the cargo area of the Volvo (1CYN-168). The male then entered his vehicle and was followed to attempt to identify who he is.

1346 Female exited 19 via a side door and entered her Jaguar and departed. Surveillance maintained.

1406 The Volvo was followed [redacted]. The male exited the vehicle and removed the white box and briefcase from the vehicle and then he entered [redacted]. The male then returned to his vehicle and was observed to place a child seat into the vehicle. It was noted there was also an unidentified white vehicle in the driveway WA registration 1GVZ-306.

1422 The unidentified male who arrived at 0557 exited UNIT 2 and walked to a White Audi Sedan (1GPX208) in the carpark and placed several unknown items in the boot of the vehicle. The male then entered the vehicle, departed and was followed.

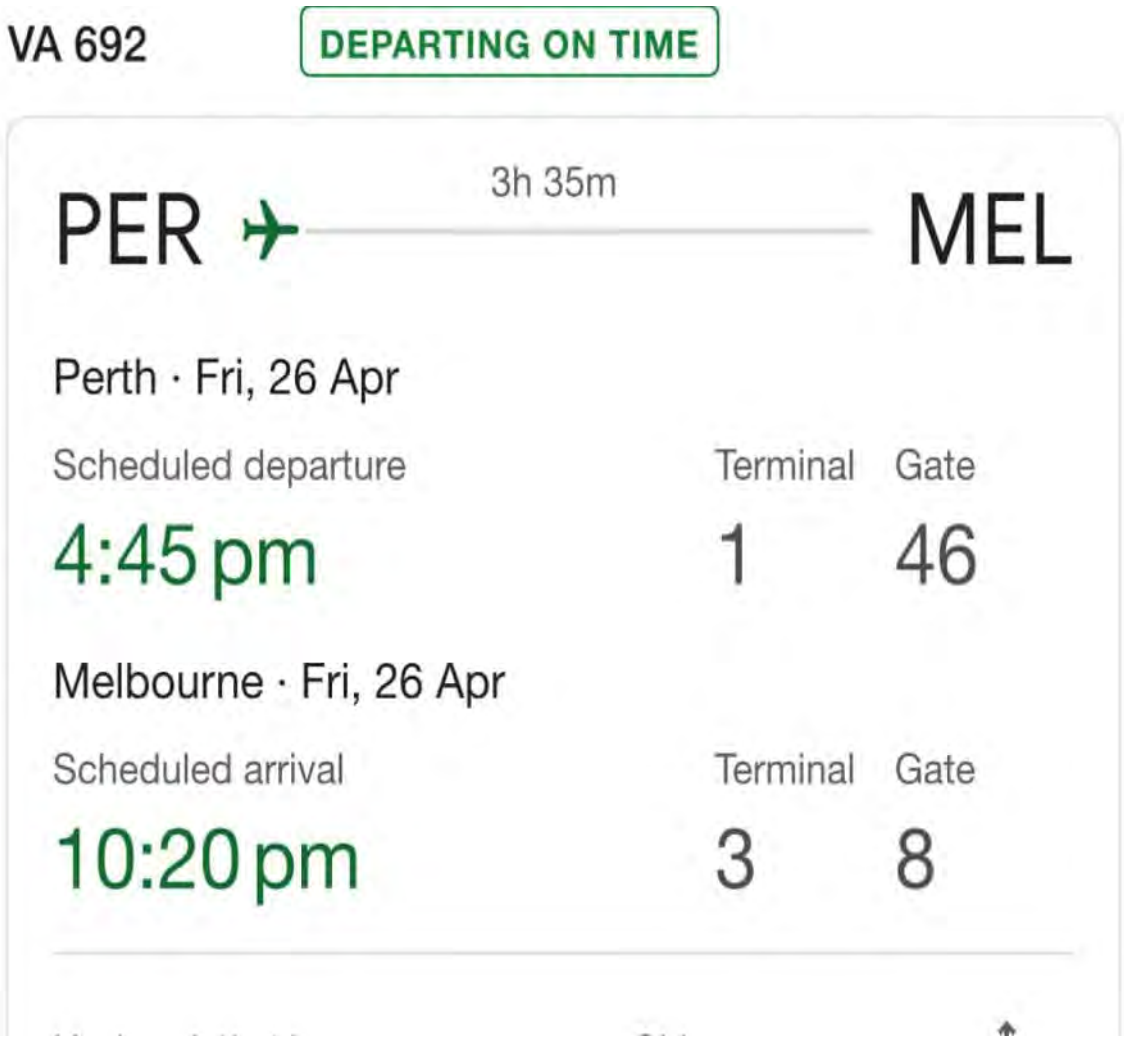
1426 The vehicle entered an Ampol service station at the corner of Beach Road and Crocker Drive, Malaga. Several minutes later the vehicle returned to UNIT 2 and the male entered the facility.

1508 POI 2 exited UNIT 2, 30 and walked towards UNIT 1, 19 Oxleigh.

1514 POI 2 returned to 19 and minutes later was picked up by an Uber (Silver Prius 1HDB 267), and the vehicle was followed to Perth Airport terminal 2.

1533 POI 2 arrived at Perth Domestic Airport Terminal 2.

POI 2 was observed to check in to flight.

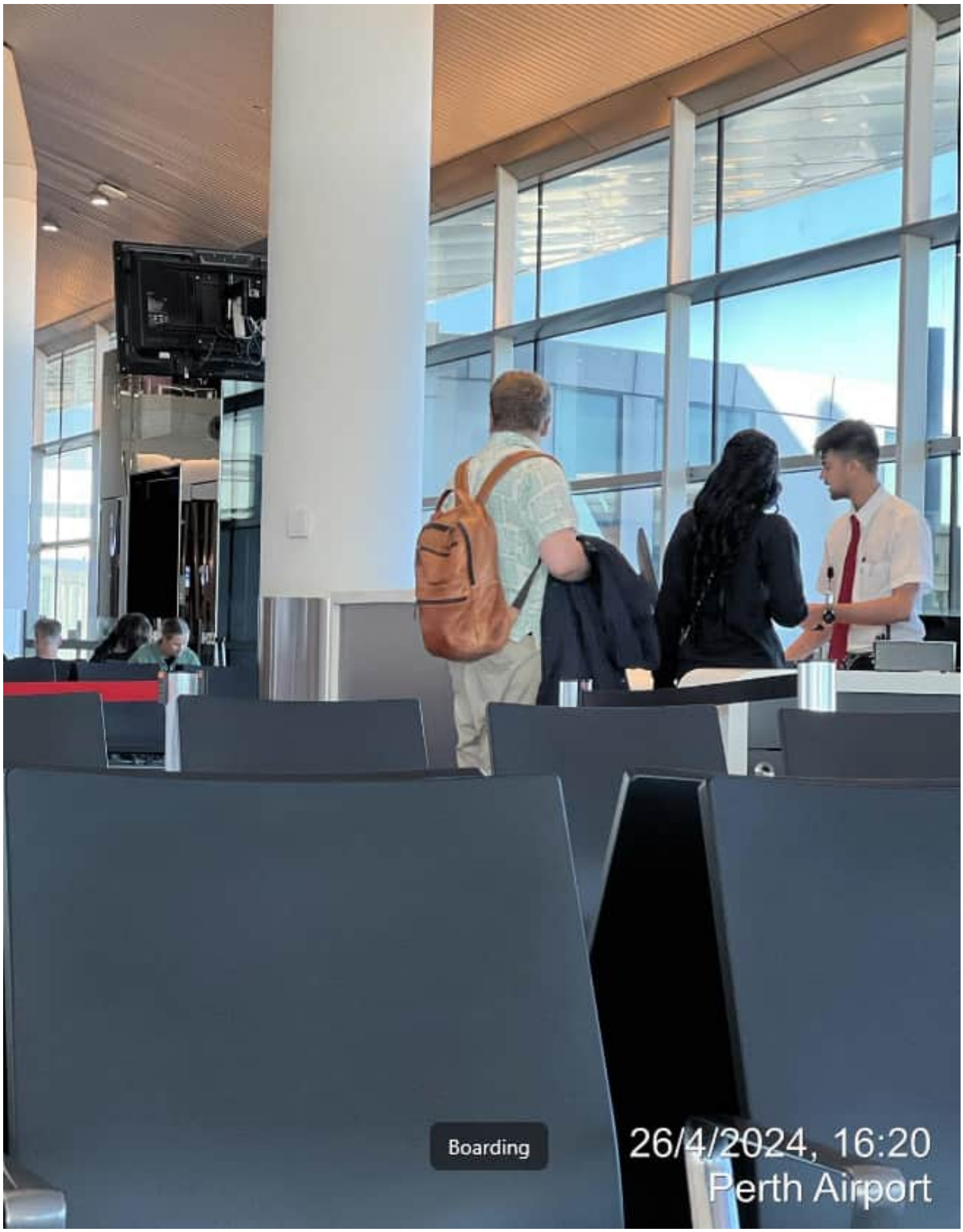


15.40 POI 2 checked in his bags and entered through security checks and moved from view and was believed to have gone to the Virgin Lounge.

1605 The previously observed male returned to and entered UNIT 2.

1614 A courier van arrived at UNIT 2, 30 and dropped off several large boxes at the facility and then departed.

16.20 POI 2 was observed at the Boarding gate. After he had his pass checked he walked down the ramp and boarded the plane. Operatives returned to Oxleigh Drive to assist with follows.


Boarding
26/4/2024, 16:20
Perth Airport

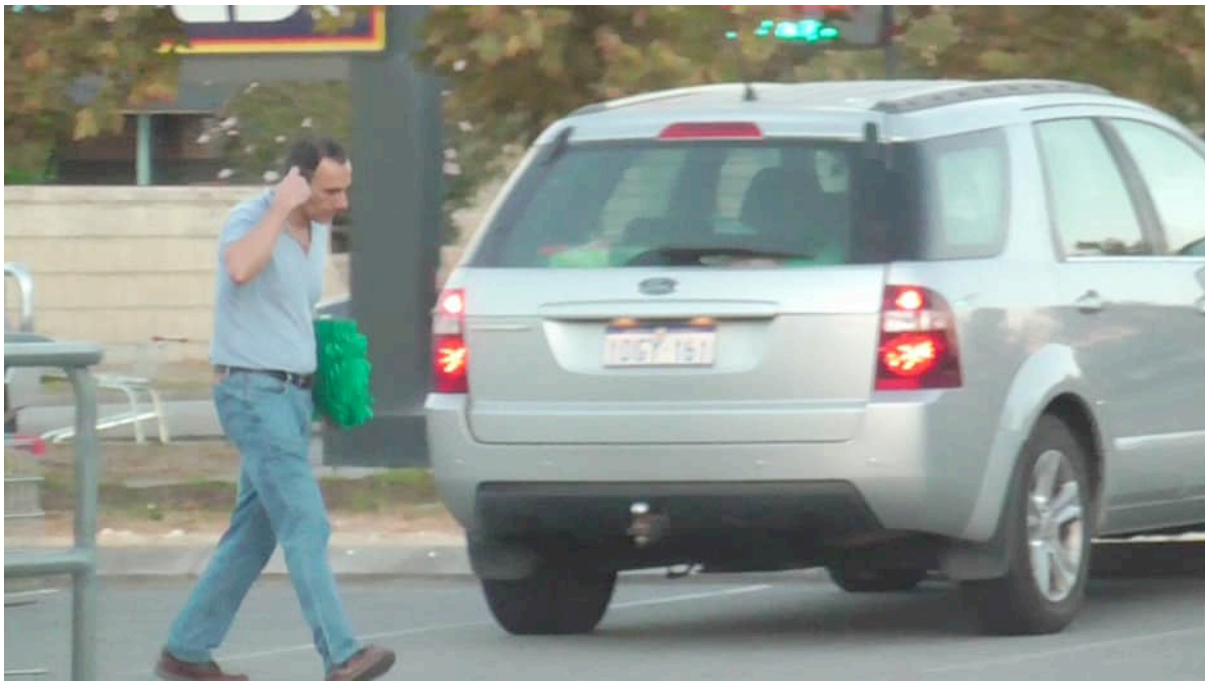
1636 A white Toyota Hilix WA registration 1HBI-741 parked outside UNIT 2. A male exited the vehicle and entered the facility. It was noted signage on the vehicle; **Precept Services, Electrical Contractors P/L (08) 93591997.**

1638 An unidentified male observed arriving at 1422 exited UNIT 2 and walked to a White Audi Sedan (1GPX208) departed and was followed to ascertain his identity.

Contact with the Audi Sedan (1GPX208) was lost in heavy traffic at changing traffic lights at the intersection at the corner of Yanchep Beach Road and Two Rocks Road in Yanchep. The vehicle observed turning left into Lindsay Beach Boulevard and away from view. An immediate search of the area was conducted.

1711 The black Mercedes 1EXB 278 departed the facility. The driver was a male employee who had been observed at the facility on several days. The vehicle was followed to the 'Forest Lakes Shopping Centre' in Thornlie.

The male exited his vehicle and entered the shopping centre carrying several shopping bags.

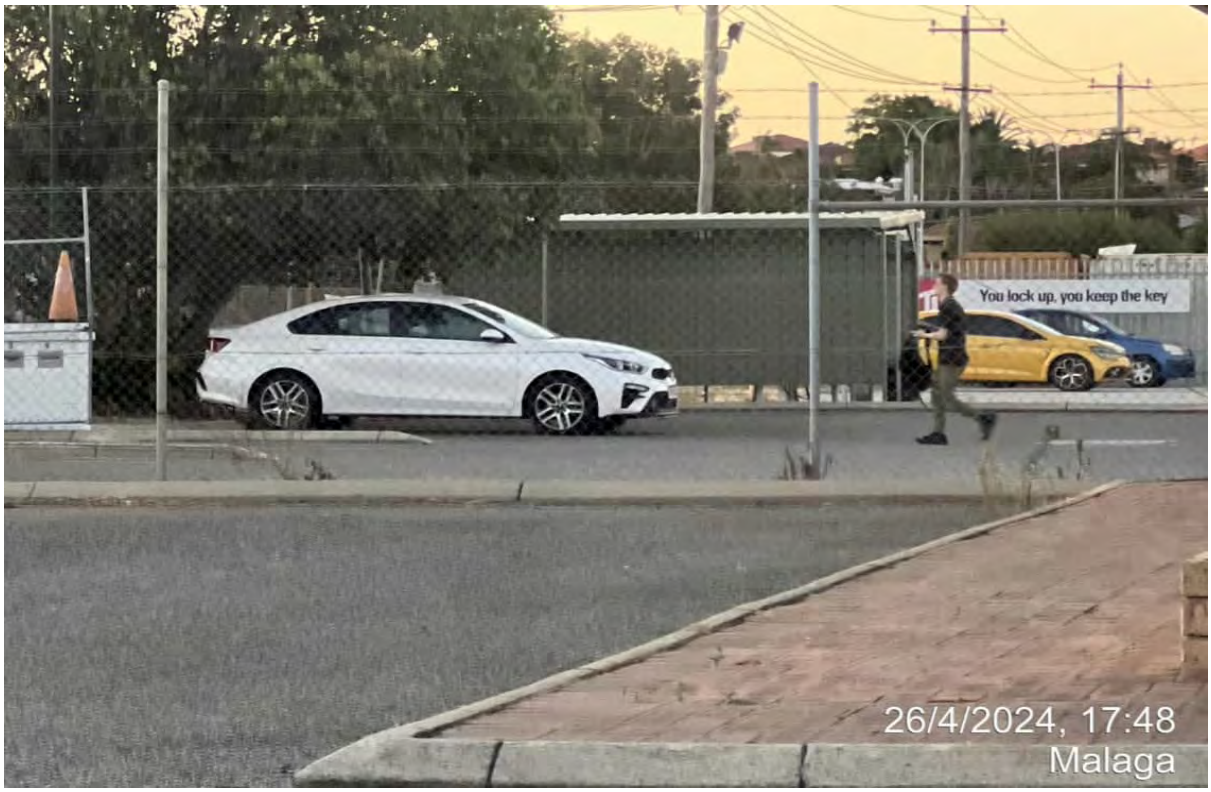


1719 The male who arrived at the facility at 1636 exited the facility and entered the Toyota Hilux WA registration 1HBI-741 and departed.

1719 The Audi was located reversed parked into a garage at [redacted]. A walk past showed a dark blue Mazda 3 hatchback (1GWA459) was also parked in the driveway.

1720 A walk past back to the operative's vehicle revealed the male and a blonde female conversing next to the Dark blue Mazda 3.

1748 The young male, who appeared to be the last person at the facility exited the Element Zero facility and departed in the White Cerato 1HFD 567 and did not lock the front gates and drove straight out of carpark. The young male was the person who accompanied POI 2 to Accountants office in Leederville. The vehicle was followed.



1751 With the last person departing from Unit 2/ 30 Oxley Drive Malaga WA, it was noted the front entry gate remained open. A close check of UNIT 2 noted the security grill door to the office part of the facility was closed and padlocked and roller doors closed and locked.

17.51 The white Cerato 1HFD 567 was followed to a block of apartments. The male reversed parked in a block of 15 units at [redacted]. The vehicle was parked at the back of the building with no Unit number indicated in the parking spaces. Operatives ceased surveillance.

1828 The male returned to his Mercedes, loaded up his shopping and departed and was followed to [redacted]. Operatives ceased surveillance.

FURTHER INVESTIGTION

Investigations were conducted into the addresses to ascertain who the individuals that were followed from the Element Zero facility to the addresses indicated and these searches revealed the following names of the owners of each property.

[redacted]

TITLE SEARCH

LOT [redacted] ON DEPOSITED PLAN [redacted]
LAND DESCRIPTION: REGISTERED PROPRIETOR:
(FIRST SCHEDULE)
LINA SOUER
PETER SOUER
BOTH OF [redacted]
AS JOINT TENANTS

[redacted]

TITLE SEARCH

LOT [redacted] ON PLAN [redacted]
LAND DESCRIPTION: REGISTERED PROPRIETOR:
(FIRST SCHEDULE)
JULIE IMELDA WATTS
OF [redacted]

[redacted]

TITLE SEARCH

LOT [redacted] ON DEPOSITED PLAN [redacted]
LAND DESCRIPTION: REGISTERED PROPRIETOR:
(FIRST SCHEDULE)
MARIIA ZAKHVATOVA
NIKITA PYLAEV
BOTH OF **48**[redacted]
AS JOINT TENANTS

[redacted]

TITLE SEARCH

LOT [redacted] ON PLAN [redacted]
LAND DESCRIPTION: REGISTERED PROPRIETOR:
(FIRST SCHEDULE)
NIKOLAOS PANDELIS MEGALOS OF [redacted]

COMMENT AND RECOMMENDATION

The Element Zero industrial facility appears to be in operation and a number of employees/staff have been observed at the facility and also what appear to be customers of Element Zero have also attended.

POI 2 KOLODZIEJCZYK was observed attending the airport and is believed to have now returned to his residence. Surveillance at his residence will be restarted.

Surveillance is continuing and we will provide a further updated report in due course.

We trust this information helps in the conduct of this matter.

Regards

ROBERT LANCASTER
DIRECTOR

Lancasters
Investigations

For the use of client legal advisers - Privileged

29 April 2024

Darren Perry
Partner
Seyfarth Shaw Australia
1 Farrer Place
NSW 2000

CC
Adrian Huber
adrian.huber@fortescue.com

Phil McKeiver
phil.mckeiver@fortescue.com

Dear Darren,

YOUR REF: TBA
REF: BJORN WINTHER-JENSEN
OUR REF: 24.422.22

We thank you for your instructions in this matter and we now submit our further surveillance report for your perusal. In accordance with your instructions the subject BJORN WINTHER-JENSEN was placed under a period of surveillance.

On Friday 26 the subject was observed briefly watering his plants outside his residence and no further activity was observed.

On Saturday 27 April the subject was active with his wife and met up with the young Asian female believed to be their daughter. All returned to the subject's residence.

On Sunday 28 April the subject was observed briefly watering his plants outside his residence and no further activity was observed.

Suite 2201, Level 22, Tower Two Westfield, 101 Grafton Street, Bondi Junction NSW 2022 Australia
Telephone (612) 8095 6377 Facsimile (612) 8095 6378 Email-mail@lancasters-global.com Internet Site -wwwJancasters-global.com
A.B .N. 69 054 137 656

SURVEILLANCE REPORT

SUBJECT POI 3:	**BJORN WINTHER-JENSEN**

DATE OF BIRTH	**09/04/1960**
ADDRESS:	**UNIT 4, 213 GILDERCLIFFE STREET SCARBOROUGHWA6019**
WIFE	**ORAWAN WINTHER-JENSEN**
CHILDREN	**ONE FEMALE AGED APPROX 16 POSSIBLE DAUGHTER**
VEHICLES:	**White Toyota Corolla Registration 1HID-902**

FRIDAY 26 April 2024

0550 Operatives MP commenced surveillance in the vicinity of Unit 4, 213 Gildercliffe Street, Scarborough, WA, 6019. The subject's white Toyota Corolla 1HID 902 was parked up next to the garage.

0812 The subject WINTER-JENSEN exited his residence and watered the plants by his driveway with a watering can. After several minutes he returned inside his residence.

Several walk pasts were carried out during the day and no activity was observed and the subject's vehicle remained parked outside his residence.

2000 No further movement detected. The subject remained inside his residence and his wife and the young Asian female were not observed. Lights were on inside the residence and the subject's vehicle remained parked outside the residence. Ceased surveillance.

SATURDAY 27 April 2024

0550 Operatives RC and CE commenced surveillance in the vicinity of Unit 4, 213 Gildercliffe Street, Scarborough, WA, 6019. The subject's white Toyota Corolla 1HID 902 was parked up next to the garage.

0916 The subject exited his residence carrying a watering can and begin watering the plants near his driveway.

1040 The subject's wife exited the residence and started gardening and then returned inside the residence from view.

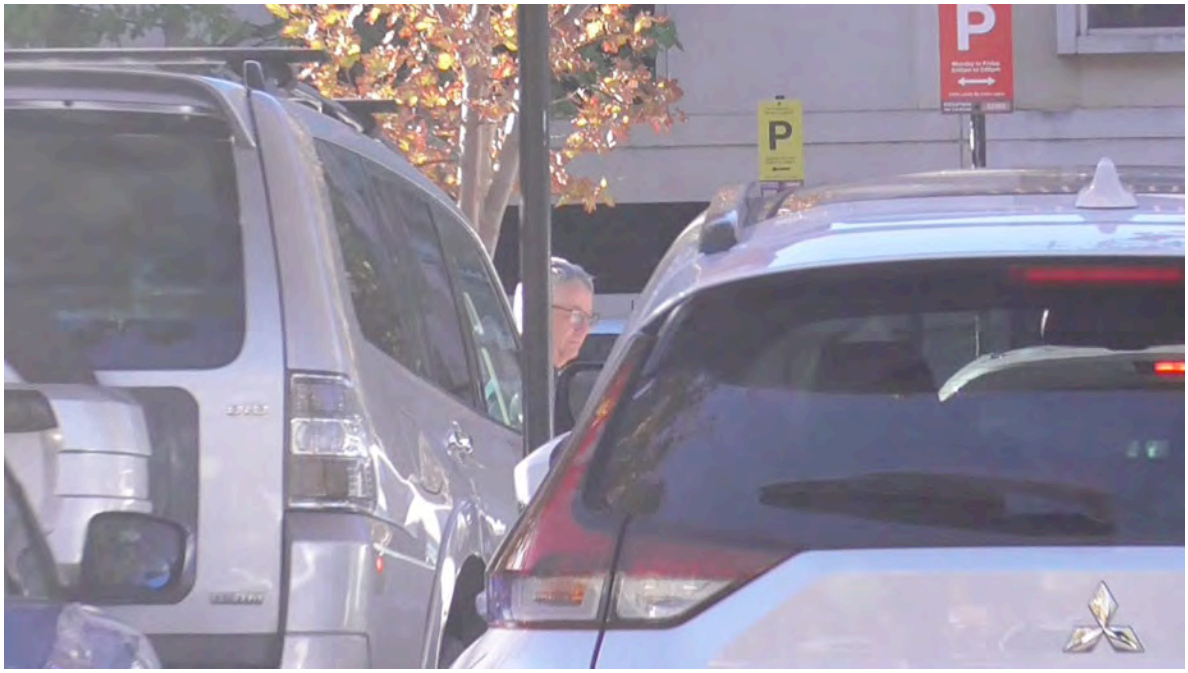
1223 The subject and his wife entered the Toyota, departed and were followed.

1252 The vehicle arrived and parked at the UWA university car park number 10. They crossed over the road towards the river and then walked to a café called 'Bayside Kitchen' where they sat at a table and ordered food.

1335 The subject and his wife departed the café and walked along the river, then sat down and had a conversation. They got up and walked along the river conversing and watched the swans and other wildlife on the river before walking back towards their vehicle.

1512 The subject and his wife walked into the university grounds and moved from view.

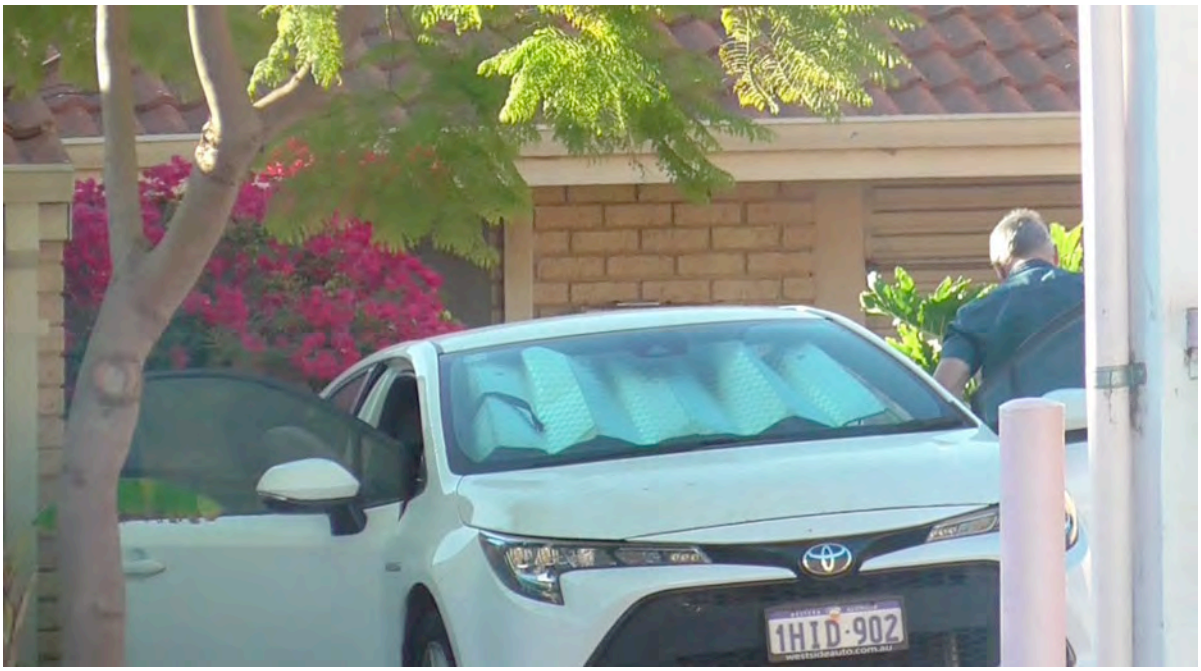
1540 The subject and his wife arrived back and entered the subject's Toyota and the subject then drove from car park 10 to a car park closer to the main university halls, where a 'Beat Cancer' Fund Raising event was taking place. After parking the vehicle, the subject and his wife walked back to the river and sat down and watched the wildlife on the river.

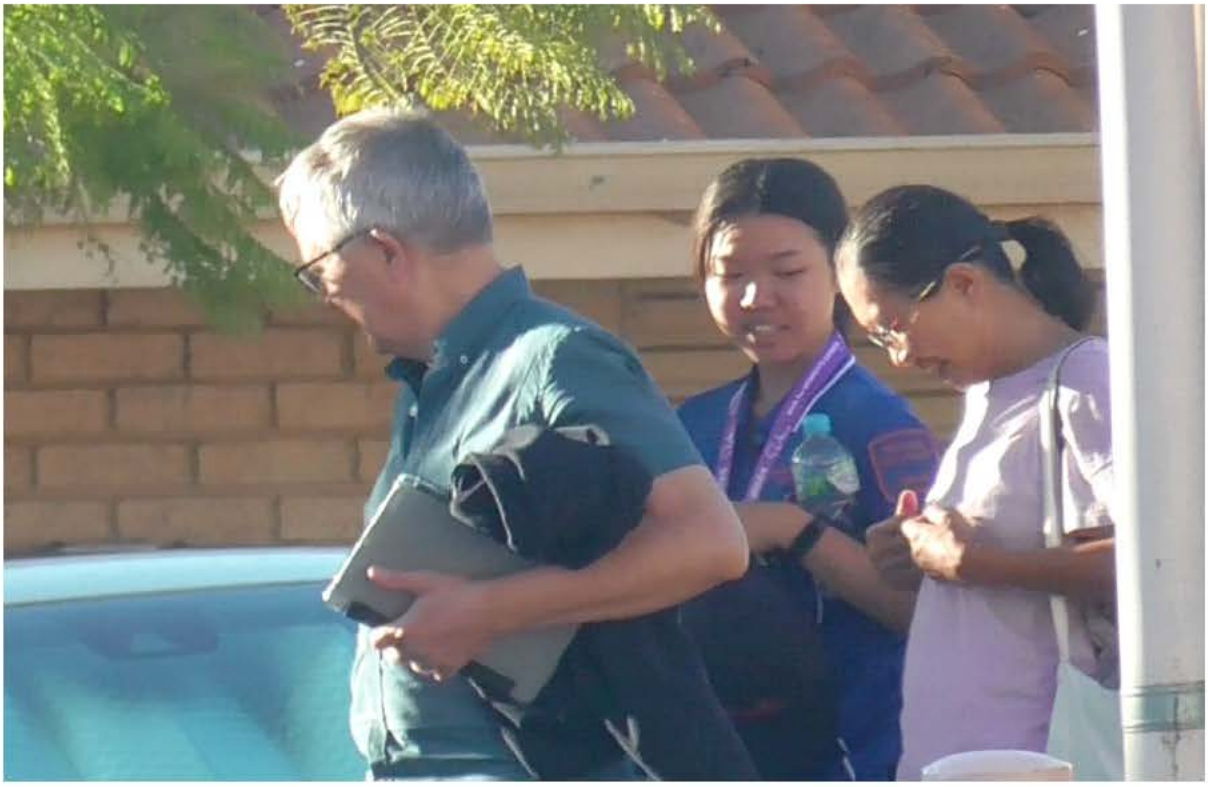


1602 The subject and his wife walked back to the University grounds.

1604 The subject and his wife were met by the young Asian female believed to be their daughter who appeared to have been involved in the cancer awareness program. All three enter the Toyota which was then followed back to their residence.

1635 The subjects arrived home and parked next to the garage. The young female was observed wearing a 'Beat Cancer' T shirt.





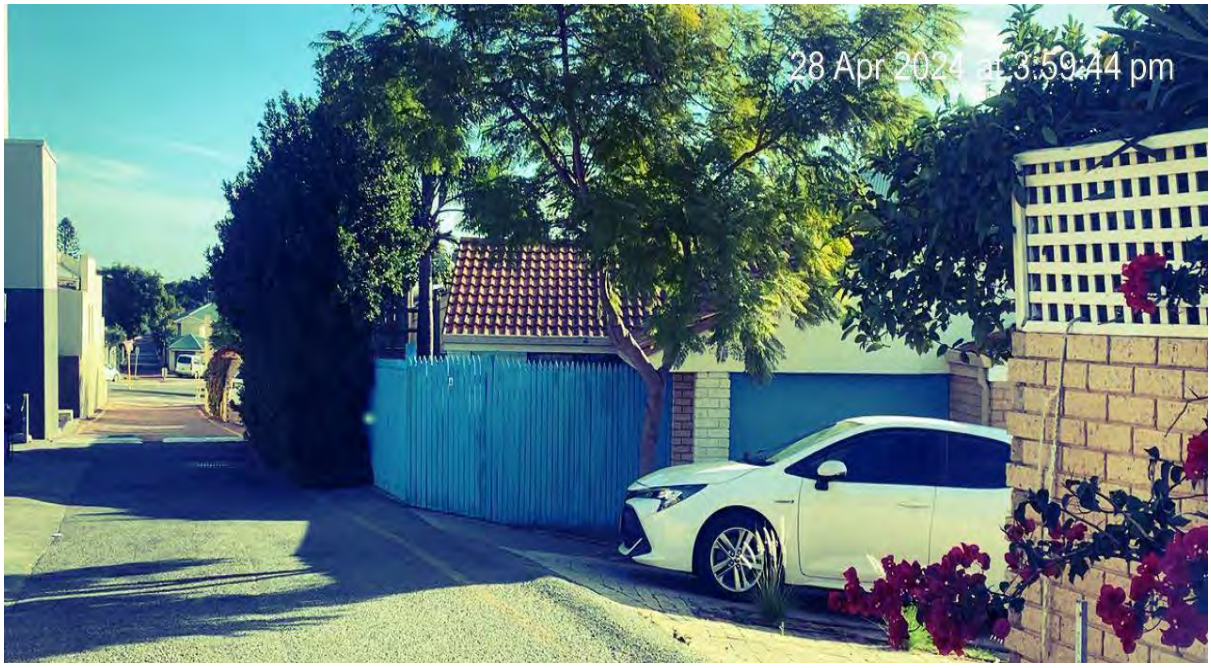
1800 Surveillance terminated; no further activity sighted.

SUNDAY 28 April 2024

0544 Operatives JS and MP commenced surveillance in the vicinity of Unit 4, 213 Gildercliffe Street, Scarborough, WA, 6019. The subject's white Toyota Corolla 1HID 902 was parked up next to the garage.

0921 The subject exited his residence with a watering can and water the plants outside the residence and then returned inside from view.

Several walk pasts were carried out and no activity was observed at the residence.



2000 No further activity was observed. Lights were on inside the residence. Ceased surveillance.

COMMENT AND RECOMMENDATION

The subject was observed at his residence on all three days of surveillance.

Surveillance is continuing and we will provide a further updated report in due course.

We trust this information helps in the conduct of this matter.

Regards

ROBERT LANCASTER
DIRECTOR

Lancasters
Investigations

For the use of client legal advisers - Privileged

29 April 2024

Darren Perry
Partner
Seyfarth Shaw Australia
1 Farrer Place
NSW 2000

CC

Adrian Huber
adrian.huber@fortescue.com

Phil McKeiver
phil.mckeiver@fortescue.com

Dear Darren,

YOUR REF: TBA
REF: BARTLOMIEJ PIOTR KOLODZIEJCZYK
OUR REF: 24.422.20

We thank you for your instructions in this matter and we now submit our further surveillance report for your perusal. In accordance with your instructions the subject BARTLOMIEJ PIOTR KOLODZIEJCZYK was placed under a period of surveillance.

On Friday 26 April the subject boarded a flight from Perth to Melbourne. Assets in Victoria were tasked, and the subject was followed to his residence when he arrived in Melbourne. The subject then remained at his residence over the weekend.

SURVEILLANCE REPORT

SUBJECT: **BARTLOMIEJ PIOTR KOLODZIEJCZYK**

DATE OF BIRTH **03/05/1985**

ADDRESS: **5A Volga Street, Hadfield, Vic 3046**

WIFE **RANTHINI MANIRAJAN**

VEHICLES: **White Hyundai I30 hatchback registration 1IF-5EQ**

Friday 26 April 2024

2100 Operative's AKA and GRK arrive in the vicinity of Tullamarine International airport, Melbourne.

2156 Operative GRK located Flight VA692 arrival Gate, Gate 8 and ETA 2200. Observations are maintained within the vicinity of gates exit.

2201 Flight VA692 touched down at Melbourne Airport.

2208 Gate 8 opened. The subject KOLODZIEJCZYK exited alone and was one of the first few to exit the plane. He was observed carrying a tan leather backpack on his shoulders. He walked towards the exit and descended on the escalators down towards the luggage claim area.

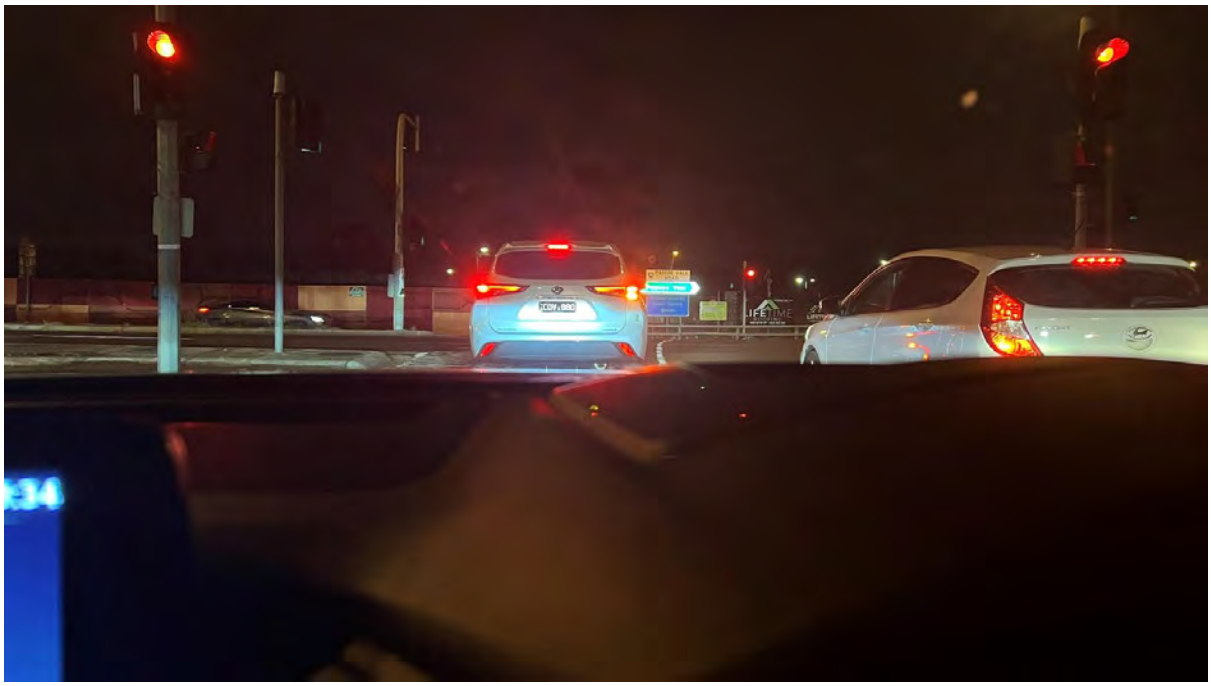
2215 The subject waited for his luggage at the luggage belt retrieval zones.

2218 The subject located his luggage and walked outside looking down and using his mobile.

2224 The subject walked outside to the Pickup and drop off zones and stood using his mobile as if to be awaiting his own lift or Uber vehicle.

2128 A white Toyota Kluger registration COV880 arrived, the driver was an unknown male of Indian descent and believed to be an Uber driver. The subject boarded the vehicle, and the vehicle departed.

2130 The vehicle was observed merging out onto the freeway and departing from the airport and was followed.



2141 The vehicle arrived at and parked outside the subject's residence at 5A Volga Street, Hadfield, VIC 3046. Lights were on inside the residence. The subject exited the vehicle and retrieved his luggage from the boot and entered the residence.

2144 The front patio light at the property remained on. The subject's white Hyundai was parked on the driveway.

2135 The front patio light was turned off.

2250 The upstairs bathroom light was turned on, then turned off again.

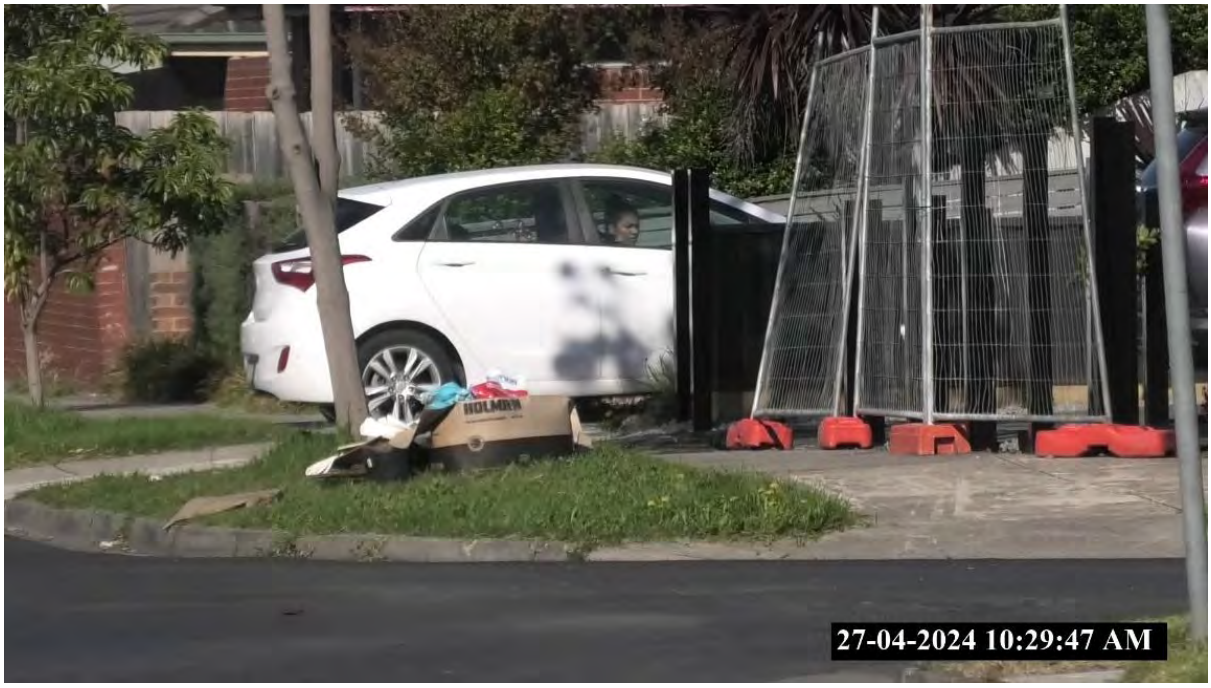
2345 No further movement. The residence was in darkness. Ceased surveillance.

Saturday 27th April 2024

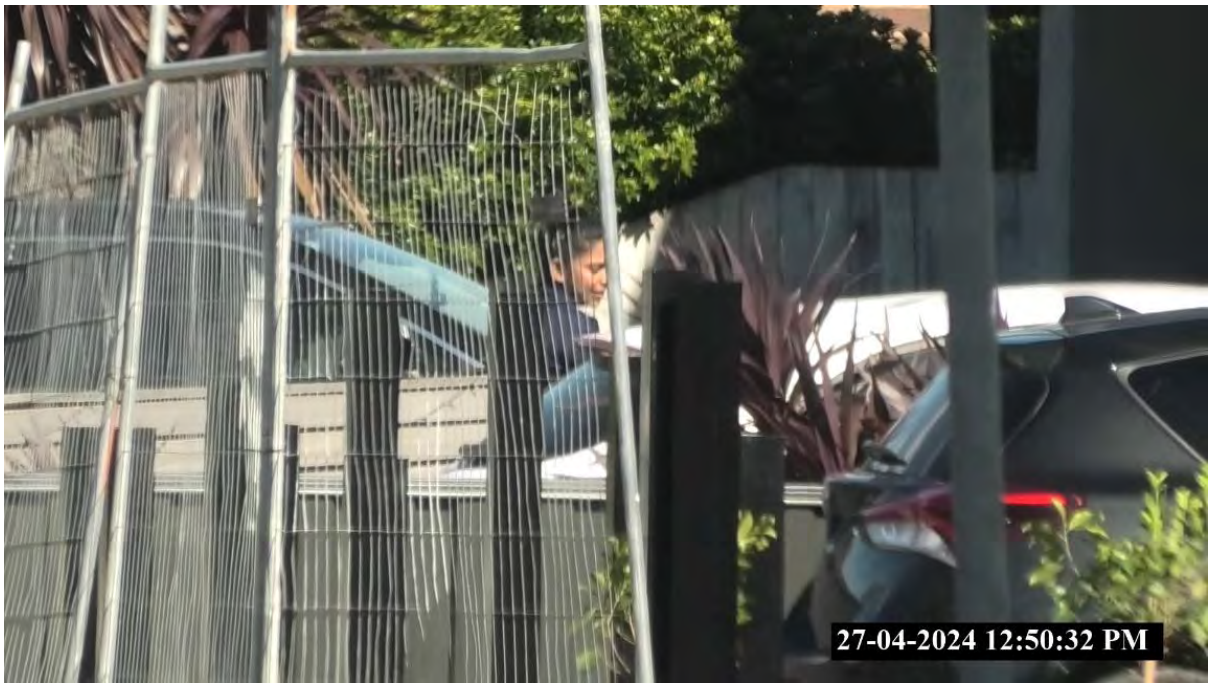
0600 Operative's AKA and CRS arrived in the vicinity of the subject's residence 5A Volga Street Hadfield, Victoria 3046. On arrival the residence was in darkness with no internal or external lights on. The garage door was closed and the subject's white Hyundai I30 hatchback registration 1IF-5EQ was parked in the driveway.

0833 The upstairs window was opened then closed and the blinds were partially opened; no further activity was observed.

1029 The subject's wife exited the residence with the child; she placed the child into the back seat of the white Hyundai and then boarded the driver's seat. The subject was not observed so surveillance maintained on the residence.



1250 The white Hyundai returned to the property and parked on the driveway. The subject's wife exited the vehicle and then assisted the child to exit the vehicle and then both walked to and entered the residence from view.



1435 A drive past was made and the downstairs window beside the doorway is open. No further activity can be observed.

1656 The subject exited the residence and checked the letterbox and then returned inside the residence from view. He was dressed casually in shorts, sandals, and a Black T-Shirt.

1743 A walk by revealed the downstairs window was now closed, internal lights were on inside.

1906 The upstairs lights were put on.

2018 The upstairs bathroom light was put on then off.

2029 All lights inside the residence facing the street were off.

2100 No further movement. Lights were off inside the residence. Ceased surveillance.

Sunday 28 April 2024

0600 Operative's CRS and TOD arrived in the vicinity of 5A Volga Street, Hadfield, Victoria 3046. On arrival 5A was in darkness with no lights on internally or externally. The white Hyundai I30 hatchback registration 1IF-5EQ was parked on the driveway.

1111 The subject's wife exited the residence and departed in the Hyundai alone. Surveillance maintained at the residence.

1203 The subject exited the residence and appeared to be wearing the same clothes from the previous day. He wandered around the front garden and picked up weeds and garden waste from the garden and driveway.

1204 The subject then departed the residence on foot with the young child following. He appeared to be carrying an empty brown Woolworths shopping bag.

1208 The subject arrived at a 'Woolworths' shopping complex on Volga Street and entered the store from view.

1215 The subject exited the Woolworth store with the brown bag loaded with small items. The subject then walked back to his residence with his young child.

1228 The subject exited the residence and walked around the front garden picking up weeds for several minutes and then returned inside the residence from view.

1300 Operative AKA arrived in the vicinity of the subject's residence. Operative TOD departed. Surveillance continued with Operative's AKA and CRS.

1522 A drive revealed no changes. The Hyundai had not returned.

1929 The front patio light was turned on and the subject was briefly observed as he dropped items into an Otto bin beside the residence. He then returned inside from view.

1941 The Hyundai I30 returned and parked on the driveway. The subject's wife exited the vehicle and entered the residence from view.

2100 No further movement detected. Lights remained on inside the residence. Ceased surveillance.

COMMENT AND RECOMMENDATION

The subject has returned to his residence. His wife and child are also at the residence.

Surveillance is continuing and we will provide a further updated report in due course.

We trust this information helps in the conduct of this matter.

Regards

ROBERT LANCASTER

DIRECTOR

Lancasters
Investigations

For the use of client legal advisers - Privileged

29 April 2024

Darren Perry
Partner
Seyfarth Shaw Australia
1 Farrer Place
NSW 2000

CC

Adrian Huber
adrian.huber@fortescue.com

Phil McKeiver
phil.mckeiver@fortescue.com

Dear Darren,

YOUR REF: TBA
REF: ELEMENT ZERO FACILITY
OUR REF: 24.422.21

We thank you for your instructions in this matter and we now submit our further surveillance report for your perusal. In accordance with your instructions the ELEMENT ZERO Industrial Unit located at Unit 2, 30 Oxleigh Drive, Malaga, WA was placed under a period of surveillance.

On Saturday 27 and Sunday 28 April 2024 no activity was observed at UNIT 1, 19 Oxleigh. Two cleaners were observed to attend the Element Zero facility at UNIT 2, 30 Oxleigh on Sunday.

Suite 2201, Level 22, Tower Two Westfield, 101 Grafton Street, Bondi Junction NSW 2022 Australia
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A.B .N. 69 054 137 656

SURVEILLANCE REPORT

LOCATION: **ELEMENT ZERO**

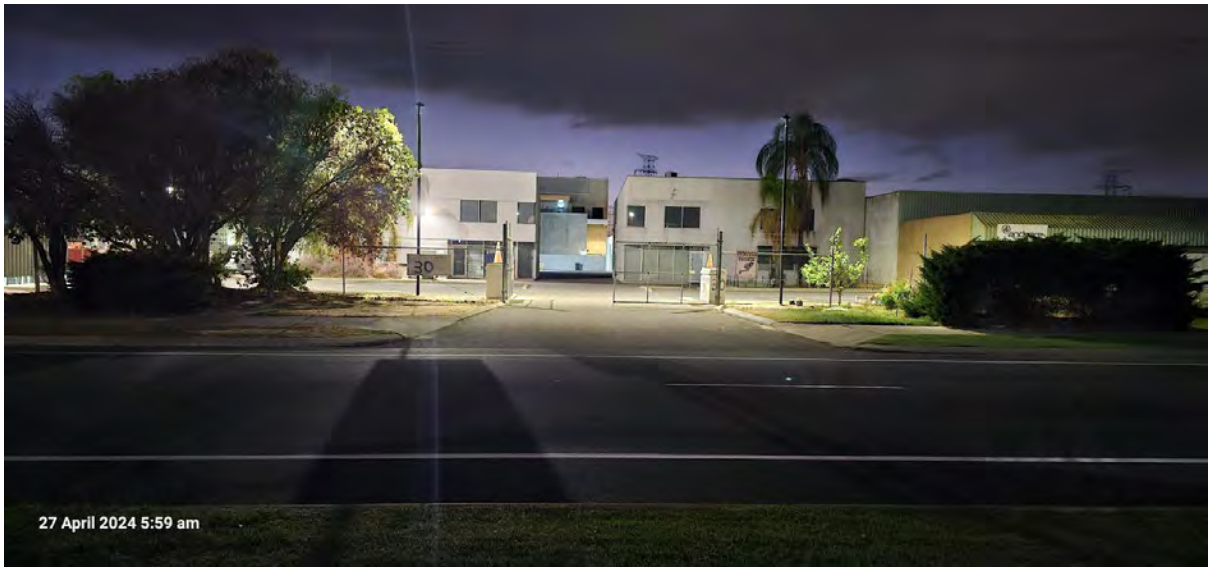
Industrial Unit 2, 30 Oxleigh Drive, Malaga, WA.

SECONDARY ADDRESS: Office building 19 Oxleigh Drive Malaga, WA

SATURDAY 27 April 2024

0555 Operative JS commenced surveillance in the vicinity of UNIT 1, 19 Oxleigh Drive, Malaga. The office unit was in darkness with no lights on and no activity.

0559 Operative AH commenced surveillance in the vicinity of 30 Oxleigh Drive, Malaga. The Main Front Gate left side was open. No vehicles were parked on the premises.



0815 No movement and the offices at UNIT 1 remained closed with no lights on.

0957 A burgundy MG SUV registration 1HOU595 arrived and parked near UNIT 2, 30 Oxliegh. A female wearing what appeared to be cleaning attire/uniform exited the vehicle and entered Unit 1 and moved from view.

1051 A Grey unidentified vehicle arrived and parked in car space in front of UNIT 1, 19 Oxliegh. A male exited the vehicle and walked to rear of the building and entered UNIT 2 (not related to Element Zero Unit 1) Several minutes later the male returned and entered his vehicle and departed.

1224 The Burgundy MG SUV exited 30 Oxleigh. The sole female occupant stopped and locked the gate before departing the area. No other vehicles were present at 30.

1327 No change Unit 1, 19 remained closed.

1400 No movement and no vehicles present at 30. The gates remained locked.

1600 No movement detected at the offices UNIT 1. JS Ceased surveillance

1800 No movement at UNIT 2, 30. AH ceased surveillance.

SUNDAY 28 April 2024

0551 Operative AS arrived in the vicinity UNIT 2, 30 Oxleigh Drive, Malaga WA. The main Gates were closed and locked and a security light was on illuminating the northern wall of the laneway. The Roller shutters of UNIT 2 were closed and no cars were parked in the car park.

0558 Operative AH commenced surveillance at19 Oxleigh Drive, Malaga. UNIT 1 remained closed with no lights on. No vehicles parked near the office building.

0709 An electric Scooter exited 30 Oxleigh via the main gate. The rider had a helmet on and was wearing a backpack, blue jeans, black jacket. It was unclear which unit the person on the scooter came out of. The rider unlocked and relocked the main gate to exit.

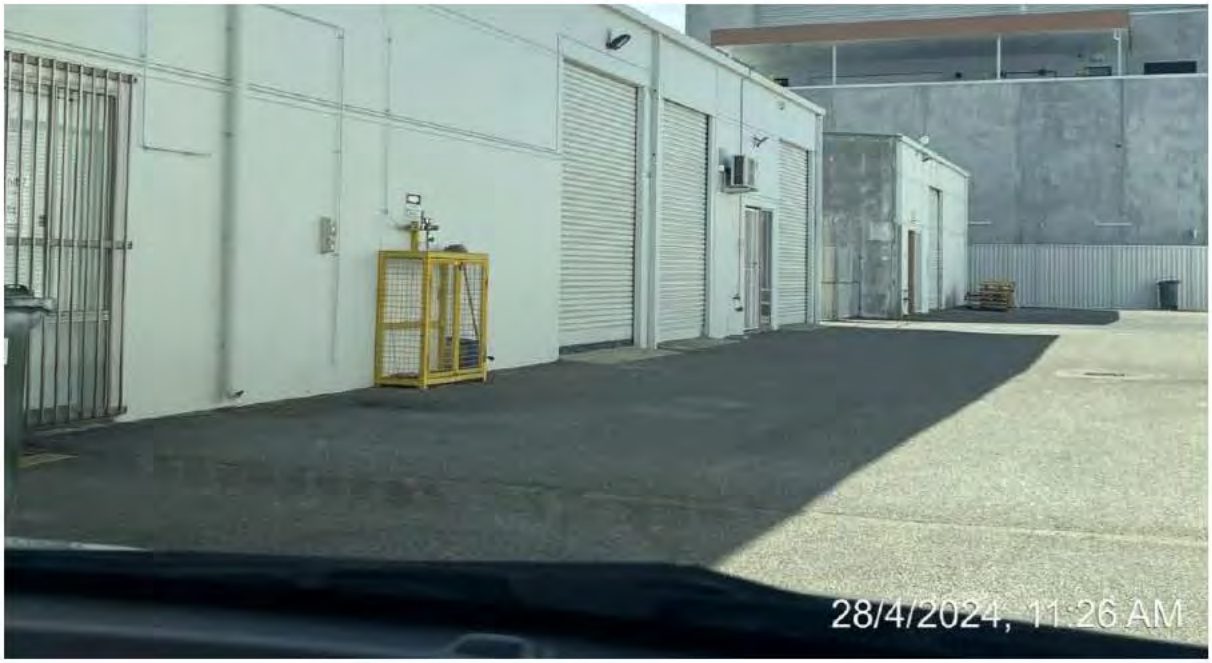
0822 A Grey Toyota registration 1DYS 655 arrived at 30 Oxleigh. The Driver unlocked the main gate and parked near and entered Unit 1. Unit 1 signage indicates the 'Yahweh Christian Fellowship Church'.

0957 A Grey Ford Ranger 4x4 driven by a male arrived and parked in the carpark. The male alighted from vehicle and entered Unit 1, 30 Oxliegh.

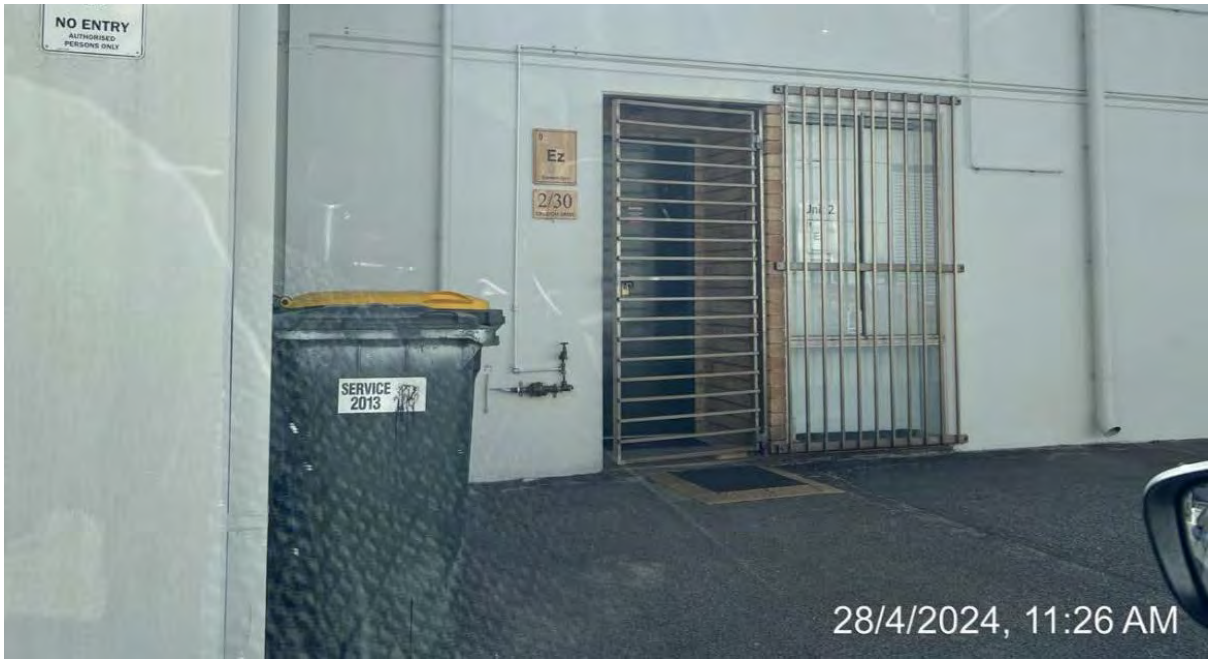
1001 Several other vehicles arrived and occupants, including males, females and children all enter Unit 1.

1032 The Carpark at 30 Oxleigh filled up with numerous vehicles and all persons exiting the vehicles appeared to be of African descent and all entered Unit 1 via the glass doors. No persons were observed entering the laneway to Unit 2.

11.26 A close check of the Element Zero facility at UNIT 2 was carried out. All roller shutters were down, the metal gate was unlocked on the first door however the door was closed. The Security light was still on, and no activity was observed.


28/4/2024, 11:26 AM


28/4/2024, 11:26 AM



1308 A Red Nissan registration 1GKG 773 and white Subaru 1HTA 953 parked in the laneway next to UNIT 2 as the carpark at the front of UNIT 1 was full. The occupants were African females with children, and they also attend Unit 1. No activity at Unit 2. Both vehicles depart with the same occupants who arrived in the vehicles at 1427 and 1432.

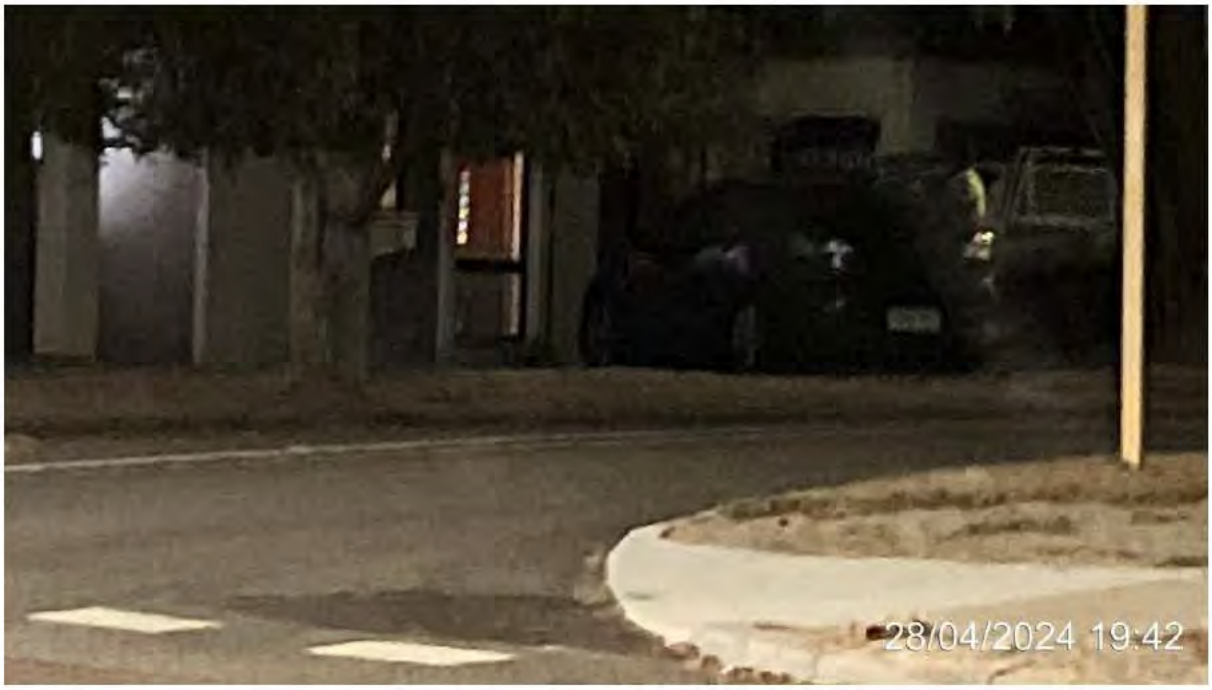
1324 The Grey Ford Ranger departed area.

1404 No Change at UNIT 1

16.11 30 Oxleigh carpark was emptying out. No activity in or around UNIT 2 was observed.

17.41 A Black 3B Mazda registration 1DBD 483 arrived and parked outside of UNIT 2. Two dark skinned males exited the vehicle, one wearing an orange HiVis jumper, one wearing green HiVis jumper. Both were wearing black jeans. They unload unidentified items from the boot and backseat of the vehicle and entered the office of UNIT 2. Operative AH joined Operative AS.

1917 The males exited UNIT 2 and entered the Black Mazda 1DBD 483 and departed 30 Oxleigh and were followed by both operatives to [redacted]. The front door was open, and lights were on inside the building. It was noted there were two other vehicles parked at the property to the right of 1DBD 483. A Black 2019 Toyota Hilux 1HZW 831 and a white Utility GO2068.



A background investigation of the address revealed the building is occupied by a Cleaning Company.

2016 Operative AS and AH cease surveillance.

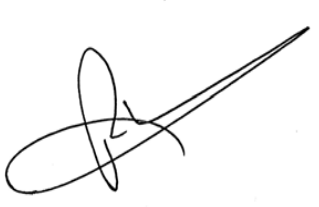
COMMENT AND RECOMMENDATION

There did not appear to be any work related activity at either the Element Zero facility at UNIT 2 or the offices at UNIT 1.

Surveillance is continuing and we will provide a further updated report in due course.

We trust this information helps in the conduct of this matter.

Regards



ROBERT LANCASTER
DIRECTOR

No. NSD 527 of 2024

Federal Court of Australia
District Registry: New South Wales
Division: General

FORTESCUE LIMITED (ACN 002 594 872) and others
Applicants

ELEMENT ZERO PTY LIMITED (ACN 664 342 081) and others
Respondents

~~CONFIDENTIAL~~ ANNEXURE PAD-3

This is the ~~confidential~~ annexure marked **PAD-3** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit on 1 May 2024.

Before me: .....

ASHLEY R.CAMERON
An Australian Legal Practitioner
within the meaning of the Legal
Profession Uniform Law (New South Wales)
Davies Collison Cave Law Pty Ltd
7 Macquarie Place, Sydney 2000

March 2023

Rodney McKemmish

Principal, CYTER

Work History

July 2017 -

- Principal, CYTER

August 2011 –June 2017

- Partner, Forensic Technology, PPB Advisory

April 2008 – July 2011

- Director, Forensic Technology services, KPMG Australia
- Asia Pacific Co-ordinator, Forensic Technology services KPMG

March 2006 – April 2008

- Head of e.forensics, <e.law> Australia

August 1999 – March 2006

- Director, Forensic Technology services, KPMG Australia
- Asia Pacific Co-ordinator, Forensic Technology services KPMG

Pre August 1999

- Senior Sergeant in Charge, Forensic Computer Examination Unit, Queensland Police Service (2 years)
- Detective Senior Constable, Fraud Squad, Victoria Police (1 year)
- Detective Senior Constable, Computer Crime Investigation Squad, Victoria Police (6.5 years)

Forensic experience

Over 20 year's continuous experience as a forensic and technology specialist, providing forensic technology services in support of both criminal prosecutions and civil litigation. These services involve the following activities:

- The provision of forensic analysis in support of technologically complex matters;
- The extraction of transactional data from enterprise wide systems;
- The recovery of deleted or corrupted data;

- The provision of expert testimony with respect of the electronic evidence issues.
- The extraction and analysis of financial and other transactional data for suspicious and or anomalous behaviour.
- The provision of expert reports and opinion as pertains to computer forensic issues and associated IT issues.
- Project manage, both in Australia and throughout Asia Pacific, the collection of electronic data for use as evidence in civil proceedings.
- Measure differing sets of source code to determine commonalities and differences.
- Performance testing of software applications to determine functionality and performance parameters.
- Reverse engineering binary code to determine functionality and or presence of malware.
- Cyber investigations arising from hacking, malware activity and associated network exploits.
- Cyber Resilience reviews.
- Traffic and data communications analysis.
- Analysis of internet / cloud-based video and audio streaming services.
- The development of suitable incident response guidelines and methodologies.
- The development of forensic protocols for inclusion in disaster recovery and business continuity plans.
- Undertaking and overseeing research into and the development of advanced forensic techniques.

Court experience

I have given expert opinion evidence in various courts throughout Australia. These include:

- The Federal Court of Australia
- The Supreme Court of New South Wales
- District Court of Western Australia
- Various state Magistrates courts
- Federal Circuit and Family Court of Australia
- Fair Work Commission.

I have also acted as court appointed expert in respect of both Criminal prosecutions and Civil litigation.

Summary of technical experience

Computer Forensics & Information Technology

Extensive experience with a range of computer forensic, reverse engineering and data recovery tools / systems / frameworks. These include, FTK, Axiom, Belkasoft, Passware, Cellebrite, XRY, Oxygen, IDA, Ghidra, Autopsy, Remnux, FEC, Recon, Paladin, Caine, Karli, and Deft Zero. Complementing this experience is a detailed understanding of operating system and application behaviour, data communication protocols, file-system structures, file artefacts and meta-data behaviour.

Proficient in a number of programming and scripting languages. Examples include Assembler, C, C++, C#, Object-C, VBA, Delphi, PhP, HTML, .NET, Python and Java. I regularly author Apps for use in the recovery of data, the reconstruction of user activity and the analysis of databases. I have also authored software that has been presented to the court in evidence as proof that specific tasks or functionality could be achieved.

Experience in capturing and analysing network traffic for the purpose of:

- Identifying the source or origin of the activity.
- Mapping the unique and identifying characteristics of different streams.
- Extrapolating the underlying technologies used in generating or transmitting the data stream.
- Differentiating human initiated activity from computer generated activity.
- Identifying and profiling cyber related attacks and malware related activity.

Technology and IP related disputes

Have provided expert reports in respect of a wide range of Technology and or IP related civil disputes. The work undertaken includes:

- Undertaking performance testing of software applications to determine functionality and to measure actual performance parameters against stated performance parameters.
- Review IT projects and provide reports identifying implementation issues and technology related failures.
- Compare different versions and implementations of source code for the purposes of identifying commonalities and differences in both syntax and logic.
- Reverse engineering network traffic from public facing systems to identify the underlying technology architecture being used.
- Reconstruct operations of Apps and Websites by reverse engineering their code (source and compiled) and communications protocols.
- Examining geo-location and geo-blocking techniques either as implemented in an on-line system or as proposed for an on-line system, and provide expert commentary and evidence around the effectiveness or otherwise.
- Provide technical guidance regarding the effectiveness of protocols designed to block infringing material stored on websites or servers.

- Examine the operations of various media streaming and gaming devices and identify, from a technical perspective, how they facilitate the distribution or use of illegal content.

Cyber Security

Extensive experience investigating cyber related crimes. This includes conducting on line investigations and performing cyber forensics for Malware attacks, Data Breach investigations and insider related threats. Examples include:

- Conducting data breach investigations for organisations and assisting their legal team with reporting to the Australian Privacy Commissioner.
- Conducting cyber investigations into suspected system compromises by third parties (including state sponsored).
- Forensically identifying malware related activity across networks and devices.
- Providing proactive training around cyber risk
- Undertake Cyber Resilience reviews.
- Assistance with developing appropriate risk mitigation strategies.

Leveraging my practical experience, I have also assisted organisations to understand the nature of their cyber risk and to worked with them to develop frameworks and strategies to respond.

Electronic discovery

In respect of electronic discovery, I have both practical and project management experience in the collection and processing of electronic data in response to discovery orders issued by courts both in Australia and the United States of America. This experience not only covers the actual collection of data, but also includes developing collection methodologies and project managing electronic discovery exercises within Australia and the Asia Pacific region.

Data Analytics

I have experience in applying data analytical and data mining techniques to the analysis of both financial and transactional data. Typically, this involves the extraction of financial and transactional data from a wide range of corporate accounting and database management systems, for the purpose of analysing the data to identify hidden relationship and or fraudulent or anomalous activity. Examples of analytical tools, database management systems and development environments that I have experience with include Microsoft SQL, IDEA, ACL, and MySQL.

Additionally, I have co-authored a book on “Computer and Intrusion Forensics”, writing a chapter on data mining techniques and fraud detection systems. In the past I provided guest lectures on the subject to the Queensland University of Technology.

Research Activities

- In 1998 I completed an international research project on forensic computing, under the auspices of the 1998 Donald Mackay Churchill Fellowship. During my research project I attended the leading law enforcement agencies actively involved in forensic computing and electronic evidence in the USA, Canada, Europe and the Middle East.

- In the past I have acted as associate supervisor to both Honours and PhD students undertaking research into computer forensic processes and techniques.

Academic experience

- 2004 – 2010 Casual and guest lecturer at the Queensland University of Technology, lecturing on data mining techniques and concepts, and computer forensics.

- 2002 – 2010 Guest lecturer at the University of New South Wales, lecturing on computer forensics.

- Assisted the University of Queensland and KPMG School of Business Forensics, with designing a course on computer forensics and data mining for fraud.

Committees

- 2004 – 2007 Member of the program committee, Computer Forensic Stream, AusCERT annual conference. Role: Review and critique research papers submitted for inclusion in the Computer Forensic stream at each annual conference.

- Member of the 2005 program committee for the SADFE 2005 "Systematic Approaches to Digital Forensic Engineering" workshop held in Taiwan. Role: Review and critique research papers submitted for inclusion in the forensic stream of the workshop.

- Former member of the Industry Advisory Group for the School of Information Systems, Technology and Management, University of New South Wales. Role: To assist the University of New South Wales with developing curriculum and undertaking research that is relevant to the private sector.

- Member of the 2007 Technical Advisory Group for the Australian Institute of Criminology's 2007 Cybercrime survey.

Papers and publications:

I have delivered, to industry and law enforcement, several papers on a wide range of topics relating to computer crime and computer forensics. Of particular note are the following papers:

- "Binary Imaging" – 3rd International Law Enforcement conference on Computer Evidence.
- "Developing Computer Forensic Techniques & Tools" – 1st Interpol Asian Working Party on Computer Crime.
- "Forensic Computing" – 1998 National Symposium on Forensic Computing and Computer Crime Investigation.
- "What is Forensic Computing" – Australian Institute of Criminology, Trends & Issues paper No. 118, June 1999.
- "Computer Forensics – Building a computer forensic model and confronting key issues" – 16th International Symposium on Forensic Sciences, May 2002.
- "When is computer evidence forensically sound?", Fourth Annual, IFIP WG11.9 International conference on Digital Forensics, Kyoto, Japan, February 2008.

Books

- "Computer and Intrusion Forensics", authored by George Mohay, Alison Anderson, Byron Collie, Olivier de Vel, and Rodney D. McKemmish, and published by Artech House (ISBN 1-58053-369-8).

Book Chapters

- When is Digital Evidence Forensically Sound? – "IFIP International Federation for Information Processing", 2008 Edition, Springer Boston (ISBN 978-0-387-842927-0).

Qualifications

Bachelor of Business (Royal Melbourne Institute of Technology).
A+ Certification, CompTIA Certification Program.

Yian Sun

Senior Forensic Specialist, CYTER

Yian has over 17 years' experience working in the fields of Forensic Technology and Cyber Forensics. Yian provides digital forensic and cyber forensic services to government agencies and private sector organisations in Australia and New Zealand. Yian's work includes conducting forensic analysis of computer systems as well as performing cyber investigations into suspected cyber incidents. Yian regularly provides independent expert reports for matters involving employee misbehaviour, copyright infringement, cyber investigations, technology disputes and intellectual property misuse.

Computer Forensic experience

Over 15 year's continuous experience as a forensic and technology specialist, providing forensic technology services in support of both criminal prosecutions and civil litigation. These services involve the following activities:

- The provision of forensic analysis in support of technologically complex matters;
- The extraction of transactional data from enterprise wide systems;
- The recovery of deleted or corrupted data;
- The provision of expert testimony with respect of the electronic evidence issues;
- The extraction and analysis of financial and other transactional data for suspicious and or anomalous behaviour;
- The provision of expert reports and opinion as pertains to computer forensic issues and associated IT issues;
- Project manage throughout Asia Pacific, the collection of electronic data for use as evidence in civil proceedings;
- Measure differing sets of source code to determine commonalities and differences;
- Performance testing of software applications to determine functionality and performance parameters;
- Cyber investigations arising from hacking, malware activity and associated network exploits and breaches;
- Traffic and data communications analysis;
- Analysis of internet / cloud-based video and audio streaming services;
- The development of suitable incident response guidelines and methodologies;
- The development of forensic protocols for inclusion in disaster recovery and business continuity plans.
- Undertaking and overseeing research into and the development of advanced forensic techniques.

Summary of technical experience

Computer Forensics & Information Technology

Yian has extensive experience with a range of computer forensic and data recovery tools. Complementing this experience is a detailed understanding of operating system and application behaviour, data communication protocols, file-system structures, file artefacts and meta-data behaviour.

He has experience in capturing and analysing network traffic for the purpose of:

- Identifying the source or origin of the activity.
- Mapping the unique and identifying characteristics of different streams.
- Extrapolating the underlying technologies used in generating or transmitting the data stream.
- Differentiating human initiated activity from computer generated activity.
- Identifying and profiling cyber related attacks and malware related activity.

Technology and IP related disputes

Using his knowledge of forensics and technology, Yian has provided expert reports in respect of a wide range of Technology and or IP related civil disputes. The work undertaken includes:

- Undertaking performance testing of software applications to determine functionality and to measure actual performance parameters against stated performance parameters.
- Compare different versions and implementations of source code for the purposes of identifying commonalities and differences in both syntax and logic.
- Reverse engineering network traffic from public facing systems to identify the underlying technology architecture being used.
- Reconstruct operations of Apps and Websites by reverse engineering their code (source and compiled) and communications protocols.
- Examining geo-location and geo-blocking techniques either as implemented in an on-line system or as proposed for an on-line system and provide expert commentary and evidence around the effectiveness or otherwise.
- Provide technical guidance regarding the effectiveness of protocols designed to block infringing material stored on websites or servers.
- Examine the operations of various media streaming devices and identify, from a technical perspective, how they facilitate the distribution or use of illegal content.

Cyber Security

Yian has extensive experience investigating cyber related crimes. This includes conducting online investigations and performing cyber forensics for Malware attacks, Data Breach investigations and insider related threats. Examples include:

- Conducting data breach investigations for organisations and assisting their legal team with reporting to the relevant Privacy Commissioner / responsible authority.
- Conducting cyber investigations into suspected system compromises by third parties (including state sponsored).
- Forensically identifying malware related activity across networks and devices.
- Providing proactive training around cyber risk
- Assistance with developing appropriate risk mitigation strategies.

Qualifications

Bachelor of Engineering (Computer), 1st Class Honours.

AccessData certified Computer Examiner

AccessData certified Mobile Examiner

Darren Michael

MOBILE +61 412 433 925
EMAIL dmichael@evidenceadvisory.com.au
LINKEDIN www.linkedin.com/in/dmichael-cio

PERTH OFFICE
Perth WA 6210

Qualifications & Memberships

- BSc (Physics and Applied Mathematics), University of Sydney
- Graduate Diploma of Applied Science (Industrial Mathematics and Computing)
- Certificate of Investigation (Government Agencies), National Investigation Training College
- Certificate III in Investigation
- Certificate IV in Government Investigation
- Certificate IV in Government Fraud Control
- Member, Institute of Electrical and Electronics Engineers

Darren is a senior technology specialist with over 40 years of Information Technology experience.

Darren Michael is a senior IT specialist with 40 years of Information Technology experience. His expertise within I.T. security, systems architecture, digital transformation and forensic technology have resulted in Darren acting within specialist I.T. consultancy positions across various sectors including Government Bodies, Advisory Firms and Industry Standards Organisations (ITSO). Darren is recognised as a leader in the Forensic Technology field both within Australia and Internationally.

In his most recent position as the CIO of a national financial services organisation Darren led the Information Technology team nationally to create a modern and agile platform from which the business has been able to implement its strategic objectives. The modern IT environment now experienced by the business has enabled it to plan new technology innovations, provided enhanced staff mobility and significant reduction in IT operating costs all within the stringent security and compliance requirements of a financial services organisation. Darren led the implementation of projects involving both the development of bespoke applications as well as the customisation of off-the-shelf products to meet specific business requirements. Darren was responsible for all IT projects from the requirements gathering phase through development, user acceptance testing and deployment into the production environment. This requires him to manage a wide range and technical and non-technical staff.

His expertise within IT security, architecture and forensic technology has resulted in Darren acting in specialist consultancy positions across various sectors including government bodies (United Nations, Australian Federal Police), advisory firms (McGrathNicol, KPMG, PwC), industry standards organisations (ITSO) and transit organisations (ERG, RSP).

As a consultant to various firms, Darren provides expert witness services and specialist expertise in the capture and analysis of digital evidence, data recovery, electronic evidence preservation, data analysis and other computer related and fraud investigations.

Darren's qualifications include a Bachelor of Science degree from the University of Sydney and a Graduate Diploma in Applied Science from Charles Sturt University. As part of those degrees Darren has studied in the areas of computer science which included programming, database design theory, construction and management.

Darren is also recognised as a leader in the forensic technology field, with over 20 years of experience in the field including over six years as a member of the computer

Darren Michael Forensic Technology Consultant

forensic unit with the Australian Federal Police, six years as a member of the United Nations Weapons Inspection Team and 12 with professional services firms. Darren has undertaken complex computer forensic examinations for both criminal and civil litigation in Australia and overseas.

Expert Witness Services

Darren's expert evidence has been accepted by various courts in Australia since 1996. He has given evidence in both criminal and commercial litigation proceedings where he has been required to explain and defend his findings and opinions.

- Engaged as an independent expert to analyse and review source code in relation to an alleged theft of intellectual property.
- Engaged as an independent expert for a pharmaceutical company. Provided a detailed analysis and reporting on electronic records related to online proxy voting for a company annual general meeting.
- Engaged as an independent expert for an exploration and mining company in a dispute over the provenance of a number of contracts.
- Engaged as an independent expert by a national payment terminal firm to examine and report on the implementation of the SSL standard by a third party provider following a national terminal outage.
- Engaged as an independent expert to provide an opinion on the security of a proposed Cloud based document sharing system.
- Engaged as an expert to examine and report on the behaviour of an organisations' former staff following allegations of IP theft.
- Engaged as an independent expert in a dispute related to the infrastructure design and implementation provided by an IT Service provider.

Engagement Experience

Darren has extensive experience across a wide range of industries including energy and natural resources, construction, financial services, government, healthcare, insurance, manufacturing, retail and technology.

- Investigation into ransomware attack on a not-for profit business resulting in prosecution of the organisation former CIO.
- Root cause analysis investigations following cyber on behalf of the insurance underwriters following a cyber incident.
- Investigations into business email compromise attacks on behalf of insurance underwriters.
- Proactive data analysis of a client financial system to test compliance with the USA Foreign corrupt Practices Act (FCPA) and providing feedback and advice on compliance improvement.

Darren Michael Forensic Technology Consultant

- Darren led a team providing assistance to a client with a large LNG project. The engagement involved providing assistance to the client on contract cost and compliance management. Darren led a team carrying out data analytics across numerous systems to test compliance with contract requirements and charges. Darren's team also developed contract models to enable improved contract performance monitoring and forecasting.
- Forensic due diligence investigations in overseas jurisdictions to test compliance with FCPA requirements prior to purchase of an overseas business.

Darren Michael Forensic Technology Consultant

EMPLOYMENT HISTORY

July 2020 – Present

Employer: **Evidence Advisory Pty Ltd**

Position: **Director**

October 2016 – April 2020

Employer: **Canaccord Genuity Financial**

(Formerly Patersons Securities)

Position: **Chief Information Officer**

Job Function:

- Responsible for the setting and leading the Information Technology strategy and ensuring their alignment with the company strategy
- Responsibility at a National level to lead and manage insourced and outsourced IT projects
- Oversee data management and technical functions.
- Align IT solutions with business vision
- Focus on IT Organisational Structure and best practices
- Maintain IT team morale and productivity with continued improvement to best practices and staff development
- Maintain business relationships, leveraging technical/managerial expertise
- Maintain adherence to budget targets without jeopardising quality
- Responsible for maintaining Cybersecurity posture for the organisation. Implement and maintain security from internal and external threats.
- Develop a new data analytic capability to assist inform the business.

October 2016 – Present

Employer: **McGrathNicol**

Position: **Forensic Technology Consultant**

Job Function:

- Provide Forensic Technology consulting services to McGrathNicol on an ad-hoc basis.

Darren Michael Forensic Technology Consultant

December 2011 – October 2016

Employer: **McGrathNicol**

Position: **Director Forensic Technology**
Job Function:

- Establishment and overall management of the Perth Forensic Technology team
- Developing a McGrathNicol Forensic Technology presence within the Perth market through the establishment of new client relations and the broadening of existing client relationships.
- Developing and maintaining a business strategy for the Perth Forensic Technology Team.
- Acquiring new work for both the Perth Forensic practice and the national practice
- Providing mentoring, leadership, and strategy for Forensic Technology teams within the Asia Pacific Region.
- Managing large and/or complex projects and investigations including initial project scope and pricing through to delivery.
- Provision of expert witness services to clients including written and verbal expert advice to clients on matters relating to electronic evidence, technology, or cyber incidents.

August 2005 – November 2011

Employer: **KPMG**

Position: **Director Forensic Technology**
Job Function:

- Establishment and overall management of the Perth Forensic Technology team within Advisory services.
- Developing a KPMG Forensic Technology Presence within the Perth Market through the establishment of new client relations.
- Developing and maintaining a business strategy for the Perth Forensic Technology Team.
- Acquiring new work for both the Perth Forensic practice and the national practice
- Providing mentoring, leadership and direction of Forensic Technology teams within the Asia Pacific Region.
- Managing large and/or complex projects and investigations including initial project scope and pricing through to delivery.
- Conducting computer forensic analysis.
- Provision of expert witness services to clients including written and verbal expert advice to clients on matters relating to electronic evidence.
- Attendance at court to present technical expert evidence.
- Providing training to staff members on the correct handling and treatment of electronic evidence.
- Developing and providing ongoing support of an E-Discovery offering on a National basis.
- Providing expert advice on smart card security and implementation issues to clients.
- Carry out Fraud Risk Analysis and Fraud Management services for clients.
- Carry out Litigation Readiness engagements for clients.
- Acquire, Manage and Deliver Innovative Data Analysis services to clients.
- Provision of Data Recovery services to internal and external clients.

Darren Michael Forensic Technology Consultant

October 2004 – September 2005

Employer: **ERG Pty Ltd**

Position: **Technical Specialist**
Job Function:

- Team Leader/Mentor to the Smart Card Software Security Team which was responsible for ensuring security, encryption and data completeness for projects for cards, ancillary systems to clearing house systems.
- Software Security Architect for large overseas transport ticketing Central Clearing House Project.
- Providing security design advice to the Sydney Transport Smartcard Project.
- Implementation of International Transport Smartcard Organisation (ITSO) security library and device drivers which provided services for embedded systems, eftpos, ticketing, key management and central clearing.
- Providing services in relation to ITSO security issues and implementation.
- Reviewing of ITSO standard and implementation issues. Provided written submissions to ITSO on security issues related to the standard.

August 2004-September 2004: European Travel and Relocation to Australia

January 2004 - July 2004

Employer: **Smartran**

Position: **ITSO Smartcard and Transaction Clearing Consultant Job Function:**

- Provision of expert consultancy services relating to the implementation of the ITSO Smartcard standard(s), particularly security and architecture.
- Drafting of technical requirements, testing strategies and architecture documentation to support an ITT for the provision of an ITSO compliant back office clearing system.
- Provision of analysis of responses to the ITT.
- Conducting audits on behalf of a client of a ticketing processing and clearing system.
- Accreditation of Ticket Issuing equipment on behalf of the Association of Train Operating Companies with an emphasis on data security and integrity to enable correct transaction settlement and apportionment.
- Accreditation using architectural and design reviews with an emphasis on a risk-based assessment regime.

July 2003 - May 2004

Employer: **Dataclinic**

Position: **Electronic Forensic Consultant**
Job function:

- Provision of expert forensic services including image acquiring, analysis and reporting on various matters including IP theft, possession and production of child pornography and unfair dismissal.

Darren Michael Forensic Technology Consultant

December 2002 – June 2003

Employer: **United Nations Monitoring and Inspection Commission**

Position: **I.T. Security and Forensics Weapons Inspector**
Job function:

- As a member of a multi-disciplinary team, undertake inspections of sites within Iraq in accordance with UN Resolutions 1284 and 1441.
- Examination of electronic storage devices with a view to ascertaining whether there has been any development, acquisition or storage of prescribed items.
- Assistance with the training of UNMOVIC inspectors on interview techniques, handling of digital evidence and search and seizure.

April 2002 – November 2002

Employer: **Prepayment Cards Limited (PCL):**

Position: **Security Analyst Consultant**
Job function:

- Implementation of an application to convert binary files to Dbase III files using C++ and MFC.
- Re-design, implementation and porting of Microprocessor Smart Card and Security Libraries from Motorola platform to PIC 17C752/756 platform for U.K transit systems.
- Providing expert advice to Wayfarer Transit Systems Limited on the implementation of International Transport Smart Card Organisation (ITSO) standards.
- Providing expert advice to Prepayment Cards Limited on the security and implementation of transaction processing, validation and clearing.
- Providing independent advice to the International Transport Smart Card Organisation Technical Committee (ITSO) on microprocessor smart card security issues.

2001 (Various assignments casual basis)

Employer: **PriceWaterhouseCoopers**

Position: **Forensic Examiner**
Job Function:

- Provision of expert forensic services on a casual contract basis to PriceWaterhouseCoopers as required.
- Attendance at search warrants and onsite examination and collection of evidence primarily using Encase tools to find and extract evidence.
- Provision of written reports on any evidence found detailing the method of extraction and methods used to preserve and handle evidence.

2000 - 2002

Employer: **ERG Pty Ltd**

Position: **Senior Technical Architect/Senior Embedded C/C++ Software Engineer Job Function:**

Darren Michael Forensic Technology Consultant

- Design and implementation of International Transport Smart card Organisation (ITSO) compliant security libraries for hardware security modules (SAM) in PC and embedded platforms (Motorola, PIC).
- Implementation of ITSO Standards for ERG Transit Smartcard Systems.
- Development of test harnesses and utilities using Microsoft Visual C and Microsoft Foundation Classes (MFC).
- Development of an application to perform bulk printing of security modules using C++(MFC).
- Unit Testing of security libraries with Motorola MV5100 smart cards.
- Production of design and user documentation in support of the software libraries.
- Production of system rules and documentation for implementation of system firewalls.

1994 - 2000

Employer: **Australian Federal Police**

Position: **Electronic Forensic Analyst**
Job function:

- Forensic examination and analysis of electronic evidence involving the provision of pre execution advice for search warrant holders and the attendance at search warrants.
- Collection and recording of evidence using organisational methods and guidelines.
- Duplicating electronic evidence and creating image data.
- Extraction of evidence from devices.
- Provision of written statements for presentation in a brief of evidence detailing the methods used to find and extract any evidence, the methods used to handle evidence and the preservation of evidence to prevent contamination or alteration.
- Attendance at court to present technical expert evidence.
- Providing training to investigators on the correct handling and treatment of electronic evidence.
- Providing written and verbal expert advice to clients on matters relating to electronic evidence including Australian Attorney General's Department on proposed legislation relating to encryption technology and E-Commerce.
- Research and development of new technologies including operating systems, programs and hardware.

- Design and implementation of the internal network used by Australian Federal Police Electronic Forensic Team.
- Development of a distributed application for manipulation of large integers.
- Design and development of specialist Electronic Devices and an Audio and Video streaming application over tcpip.

1991-1994

Employer: **Biztech**

Position: **Project Manager/Systems Integrator**
Job function:

Darren Michael Forensic Technology Consultant

- Design, installation, configuration and maintenance of computer networks for new and existing clients including software - Lan Manager, Novell Netware and Unix.
- Development of specialised software for clients using Borland Pascal and Microsoft Visual C++.

1991

Employer: **Sydney University**

Position: **Software Engineer**

1985-1988

Employer: **Harris Lanier Australia**

Position: **Engineering Manager (1985 - 1987)**

Service Manager - Electronic Office Systems Division (1987 - 1988)

1983-1985

Employer: **Datronics**

Position: **Senior Hardware & Software Engineer**

1981-1983

Employer: **Lanier Australia**

Position: **Customer Engineer in ACT covering Canberra, Goulburn, Orange and Bega.**

1979-1981

Employer: **Daro Business Machines**

Position: **Customer Engineer**

2 EDUCATION

1991	Bachelor of Science (Physics and Applied Mathematics)
1996	Certificate in Investigation (Government Agencies)
1996	Graduate Diploma in Applied Science (Industrial Mathematics and Computing)
2010	Certificate III in Investigation
2012	Certificate IV in Investigation

Darren Michael Forensic Technology Consultant

2012 Certificate IV in Government Fraud Control

2012 Certificate IV in Government Inv

Phillip Andrew Russo

Joondalup DC, Western Australia
https://www.linkedin.com/in/phrusso

Personal Details:
2nd May 1965 • Australian Citizen
Australian National Security Clearance Level: Highly Protected Status

Digital Forensics & Cyber Security Expert

Seasoned professional with depth of technological expertise applicable to complex projects and investigations.

Analytical and forward-thinking professional with solid record of success orchestrating effective methods for threat and vulnerability assessment. History of designing state-of-the-art network and forensic lab environments and of providing integral courtroom evidence on behalf of courts, law enforcement firms, and insolvency teams as expert witness in national and international courts. Australia's banking industry designed and implemented one of their first forensic capabilities. Demonstrated success supporting efforts of Scotland Yard and FBI. Dedicated learner, highly skilled in broad range of software tools, operating systems, and investigative methods. Talent for articulating clear solutions across challenging circumstances.

Being recognized worldwide as a leader within the fields of both Computer and Mobile Phone Forensic Investigations, in 2021, Phillip was engaged for a specialist project - training the Australian Military Force Cyber Teams and then again in 2021 - 2023 for various specialist missions in North Africa, he was engaged by the United Nations UNDOC (Offence on Drugs and Crime).

Phillip Russo is our senior Digital Forensic Investigator and Evidence Advisory Principal, with over 30 years of world experience. His expertise within digital forensic investigation, (including computer and mobile forensic) have resulted in Phillip being contracted by the lead USA / World Forensic companies for various contract positions across the world , including military and world leading cyber law enforcement. His engagements stem from his Australian Police Computer Crime squad background and include engagements involving eDiscovery, Blackmail, Incident response and Training the world's finest (AFP, FBI, HK Police, UK CyberCentre Scotland yard squads and more).

He was engaged as the national Director for PPB Advisory and built the Forensic response practice for the world bank HBOSA (Bankwest) in Australia in the 2000s. Whilst PPB Advisory's National IT Forensic Director he led the multinational team to complete one of Australia's largest ever eDiscovery's.

Core Competencies:

- Data Acquisition
- Data Recovery Methods & Technologies
- Forensics Analysis
- Forensic Investigation Procedures
- Network Systems Analysis
- Linux, Apple Mac & Windows Environments
- Zero Day Events & Ad Hoc Risk Mitigation
- Mobile & PC Forensics
- Vulnerability & Threat Identification & Analysis
- Partner, client & Stakeholder Relationships
- Courtroom Proceedings
- Legal Documentation
- Regulatory Compliance
- Team Building & Leadership
- Cyber Attack Frameworks
- Court Search Order Executions

Continued...

Phillip Andrew Russo

Professional Experience

Evidence Advisory, Western Australia

A provider of computer and mobile device investigation, forensic analysis services and international educator in IT Forensic procedures and analysis.

Managing Director | Cyber Forensics Expert | Technical Director | Training Facilitator, 1996 - Present

As Cyber Forensics Expert: Forge and maintain relationships with clients, stakeholders, law enforcement organisations, and regulatory agencies. Complete IT forensic investigations and analyses of computer and mobile device systems. Present findings and recommendations to clients, boards, committees, and law professionals. Prepare legal documents and advise clients and attorneys on forensic technologies and methods throughout investigations and courtroom proceedings. Present courtroom testimonies as expert witness. Coordinate and manage national forensic incidents.

- Presented expert testimony that led to the success of the Australian Federal Police's first prosecution initiated under the Australian Federal Cyber Crime legislation.

As Technical Director: Design and configure IT forensic network and lab environments. Maintain chain of custody and evidentiary processes and infrastructure. Develop and standardize policies and procedures in compliance with jurisdiction regulations and best practices. Research, develop, maintain, and validate forensic tools.

As Managing Director: Guide and perform day-to-day functions related to forensic and investigation casework. Hire, train, and assign duties to technical and administrative staff. Assess client infrastructure and security policies and procedures. Coordinate incident response teams during and following security incidents and breeches. Direct teams to collect and maintain evidence, review system logs, file system meta-data, file fragments and artefacts, debug systems, and analyse network traffic. Prepare and present written reports of findings and recommendations for improved policies, procedures, and technical infrastructure.

As Training Facilitator: Develop training courses in collaboration with vendor training organizations and clients. Provide customized trainings across language barriers and cultural differences, coordinating with language translators as needed, to ensure clients are equipped to fully utilize technologies and operate according to best practices and in compliance with government regulations.

- Delivered renowned training programs to law enforcement organisations, national militaries, and large corporations across the globe.

Additional Experience:

National Director of IT Forensics for PPB/PPB Advisory (2009 – 2012): Coordinated and directed IT Forensic teams across Australia for national accounting firm.

- Developed national policy standards and procedures for IT Forensic and Computer Investigations.
- Designed national IT Forensic lab solutions and infrastructure. Ensured rigorous standards of evidence handling were consistently maintained.
- Managed one of the firm's largest digital forensic investigations. Produced valuable evidence for large insolvency teams and law firms.

Information Security Specialist for Halifax Bank of Scotland (HBOSA/ BankWest) (2004 – 2005): Directed IT forensic enquiries and responses, developed policies and procedures for incident response, and built IT Security and Incident Response teams.

- Created organization's IT Forensic Investigation capability. One of the first of such practices among Australian banks, this has become a national industry model.

Police Investigator, Computer Crime Investigation Squad for Western Australian Police Service (1998 – 2004).

Education & Credentials

Edith Cowan University

Graduate Certificate in Computer Security

Diplomas, Licensure & Certifications

- Oxygen Mobile Phone Forensic Expert (2018 - 2023)
- Oxygen Mobile Phone Forensic Instructor (2018 - 2023)
- Access Data Certified Instructor ACI (IT Forensics 2006 - 2023)
- Access Data Certified Examiner ACE (IT Forensics 2006 - 2023)
- Nuix Certified Instructor (2014 – 2019)
- Foundation Certificate in Information Security FCIS (2016)
- Cellebrite Certified Instructor (2014- 2017)
- Cellebrite Certified Mobile Examiner CCME (2015)
- Cellebrite Certified Physical Analyst CCPA (2014)
- Cellebrite Certified Logical Operator CCLO (2014)
- Certified Open Source Internet Intelligence Analyst (2013)
- Certificate III in Investigation Services (2008)
- Certified ProDiscover Examiner CPDE (2008)
- Certified Fraud Examiner – Association Certified Fraud Examiners (2007)
- Cisco Certified Network Associate CCNA (2002)
- SANS GIAC security essentials certificate SANS Gold GSEC (2002)
- CompTIA Computer Technician A+ (2001)
- Advanced Business Diploma
- Police Diploma
- Public Officer Safety Diploma

No. NSD 527 of 2024

Federal Court of Australia
District Registry: New South Wales
Division: General

FORTESCUE LIMITED (ACN 002 594 872) and others
Applicants

ELEMENT ZERO PTY LIMITED (ACN 664 342 081) and others
Respondents

~~CONFIDENTIAL~~ ANNEXURE PAD-4

This is the ~~confidential~~ annexure marked **PAD-4** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit on 1 May 2024.

Before me: .....

ASHLEY R.CAMERON
An Australian Legal Practitioner
within the meaning of the Legal
Profession Uniform Law (New South Wales)
Davies Collison Cave Law Pty Ltd
7 Macquarie Place, Sydney 2000

Catherine Pedler

Partner

Perth
T +61 8 9366 8064
M +61 451 941 239
catherine.pedler@ashurst.com

Disputes, Investigations and Advisory
21 years practising law

Catherine is a partner with expertise in commercial dispute resolution, contentious regulatory matters and restructuring and insolvency.

Catherine has been involved in a wide range of complex contractual disputes, negligence claims and securities enforcement actions. Catherine has particular expertise in conducting and managing complex and large scale commercial disputes and has acted on matters in the mining, energy, agribusiness, construction, manufacturing, property and financial services sectors.

Catherine is experienced in all forms of dispute resolution, including court litigation, domestic and international arbitration and private mediation. Catherine also has expertise with respect to managing risk and compliance in the anti-bribery and corruption area and with respect to ASIC and ASX compliance issues and investigations.

In the restructuring and insolvency area, Catherine has advised both insolvency practitioners and creditors on all aspects of insolvency administration, both in the UK and Australia.

Matters

- Representing an Australian listed resources company with respect to a dispute with a software development and service provider.
- Representing an Australian mining group with respect to misuse of confidential information by a consultant and resulting representation in proceedings in which the consultant was engaged as an expert.
- Representing a financial services client with respect to claims for outstanding amounts due under a margin loan advanced to a financial services client the subject of court appointed receivership and liquidation following an ASIC investigations.
- Successfully defending three subsidiaries of an Australian listed mining company defending proceedings in the Supreme Court of Western Australia involving a series of contractual disputes with a joint venture partner in relation to the splitting, tolling arrangements and tolling charge of ore produced under a joint venture.
- Advising the former directors and officers of a formerly ASX listed company with respect to an ASIC investigation regarding potential breaches of the Corporations Act and the ASX Listing Rules and on multiple, related civil proceedings and civil penalty proceedings commenced by ASIC against another former director.
- Representing a Canadian manufacturing company in proceedings in the Supreme Court of Western Australia involving claims of breach of contract, breach of alleged fiduciary duty and misleading or deceptive conduct.

Lucinda Hill

Partner

Melbourne
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lucinda.hill@ashurst.com

Disputes, Investigations and Advisory
Dispute Resolution

Lucinda specialises in advising clients on complex commercial disputes, class actions and regulatory or internal investigations and enforcement, particularly in the financial services, energy and transport industries.

Lucinda has significant experience in the financial services sectors, including acting for ANZ in the Banking Royal Commission and acting for ANZ on several significant class actions. Most recently, Lucinda has acted for ANZ in relation to a class action in relation to the charging of interest in respect of 'interest free' credit cards, as well as a range of regulatory matters, enforcement proceedings and investigations against a number of Australian and international clients.

Lucinda also has experience in a wider range of commercial disputes, including professional negligence, energy & resources disputes, construction & infrastructure disputes, restructuring & insolvency and competition investigations & disputes.

Matters

- Acting for a major bank in relation to a fraudulent transfer of $USD16m from a bank account.
- Acting for a financial services company on an ASIC investigation and subsequent Market Disciplinary Panel proceedings.
- Assisting a major bank to respond to requests from ASIC in relation to Institutional Supervision of its Internal Audit function.
- Acting for a major bank in an ASIC investigation and the defence and settlement of civil penalty proceedings relating to its lending package and offset accounts.
- Acting for a major bank on an ASIC investigation and civil penalty proceedings in relation to its entitlement to charge certain fees.
- Acting for an OTC derivatives provider on an ASIC investigation, and ensuing administrative and civil penalty proceedings, relating to its customer acquisition and management and sales practices.
- Acting for a major bank defending a Federal Court class action alleging unfair contract terms in its credit card contracts over 2010-2019.
- Acting for a major bank on an exception fees class action, Australia's largest ever consumer class action.
- Acting on behalf of a gaming operator in relation to the Victorian Hotel Quarantine Inquiry.

Adrian Chai

Partner

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Disputes, Investigations and Advisory
27 years practising law

Adrian is a senior partner in the Perth Dispute Resolution Practice Group. He specialises in and has led large and complex disputes in the corporate, financial services, mining, energy, and infrastructure areas.

He has extensive experience in matters arising from regulatory and internal investigations including matters concerning alleged breaches of internal policies and codes of conduct, breaches of directors' duties, contraventions of the Corporations Act and ASIC Act and fraud committed by employees. Adrian has been the lead partner on a number of matters involving finance, accounting, auditing and tax matters.

Adrian's practice also includes restructuring and insolvency where, in addition to advising on insolvency risk management, debt restructuring and recovery, he has extensive experience in insolvency and banking related litigation.

Matters

- Matter arising from an ASIC investigation into the operation of an alleged 'Ponzi' type unregistered managed investment scheme and ensuing litigation in the Federal Court of Australia.
- Matter involving alleged breaches of Corporations Act and ASIC Act by former directors and CFO of an ASX-listed company.
- Representing persons subject to investigations and compulsory examinations by ASIC and the ATO.
- Matter involving fraud and misconduct on the part of the operators of a 'poles and wires' business recently acquired by the client.
- Large matter involving an action and separate class action about alleged failures by a company and its auditors to identify and report on misstatements of gold reserves and hedging exposures under complex derivatives.
- Matter involving an ASIC investigation and examinations into alleged breaches of disclosure obligations under the Corporations Act and ASIC Act and misstatements in annual reports by a listed company and its directors.

Sam Mengler

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Disputes, Investigations and Advisory
10 years practising law (admitted 2013)

Sam is a senior associate in the Perth Dispute Resolution Practice Group.

Sam has a broad range of experience in complex disputes including in the corporate, financial services, insolvency and resources contexts. He also has significant experience in contentious regulatory disputes and investigations.

Sam is regularly involved in matters in the Supreme Court of Western Australia and the Federal Court of Australia. He is experienced in forms of alternative dispute resolution including mediation.

Matters

- Acting for an Australian listed resources company with respect to a dispute with a software development and service provider.
- Acting for a financial services client with respect to claims for outstanding amounts due under a margin loan advanced to a financial services client the subject of court appointed receivership and liquidation following an ASIC investigation.
- Acting for a professional services firm defending proceedings brought by the liquidator of a former client. The proceedings concern a claim by the liquidator that certain fees paid to the professional services firm amount to unfair preferences.
- Acted for a major bank defending proceedings arising from trust funds being fraudulently withdrawn from a bank account by an authorised signatory.
- Acted for three former non-executive directors defending insolvent trading claims made by the liquidator of the company.
- Assisted a client in relation to a regulatory investigation into an ASX listed company in respect of potential breaches of market disclosure obligations.
- Acted for a professional services defending proceedings brought by a former client in relation to certain Research & Development tax advisory services. The proceedings involve claims breach of contract, negligence and misleading and deceptive conduct.
- Acted on behalf of the administrators of a company in proceedings involving a dispute with a contractual counterparty over the entitlement to certain funds held on trust.
- Assisted the liquidators of a private company in proceedings in the Supreme Court of Western Australia in relation to recovery of the proceeds of fraud.

No. NSD 527 of 2024

Federal Court of Australia
District Registry: New South Wales
Division: General

FORTESCUE LIMITED (ACN 002 594 872) and others
Applicants

ELEMENT ZERO PTY LIMITED (ACN 664 342 081) and others
Respondents

~~CONFIDENTIAL~~ ANNEXURE PAD-5

This is the ~~confidential~~ annexure marked **PAD-5** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit on 1 May 2024.

Before me: .....

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An Australian Legal Practitioner
within the meaning of the Legal
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Attention: Adrian Chai

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Ashley Cameron
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26 April 2024

Adrian Chai
Ashurst
Brookfield Place Tower II, Level 10
123 St Georges Terrace
Perth WA 6000

CONFIDENTIAL AND PRIVILEGED

Dear Adrian

Briefing Note – Independent solicitors for search orders to be executed against Element Zero Pty Ltd, Bjorn Winther-Jensen, and Bartlomiej Piotr Kolodziejczyk

Thank you for accepting our instructions to act as independent solicitors supervising potential search orders against the above named prospective respondents. This briefing note provides relevant background regarding the search orders, the parties subject to the search orders and the premises intended to be searched.

A. High-level background to matter

1. Fortescue Future Industries (now operating under the Fortescue brand) has, since early 2021, conducted an in-house technology development programme (**Green Iron project**) to produce green iron from iron ore using a refining process by electrochemical reduction (**ER**). Fortescue developed an ER process involving leaching of iron ore (to remove impurities), processing according to particular chemical parameters, and using a particular plant construction.

2. At various points from 2019 to 2021, Dr Winther-Jensen and Dr Kolodziejczyk (together, the **Individual Prospective Respondents**) were employed as part of Fortescue's Green Iron project, with Dr Winther-Jensen and Dr Kolodziejczyk having technical roles.

3. Dr Winther-Jensen and Dr Kolodziejczyk resigned from Fortescue in late 2021. In late 2022, the Individual Prospective Respondents established a new company named Element Zero Pty Ltd (**Element Zero**). Element Zero claims to have developed an ER process for processing green iron ore similar to what had been in development within Fortescue's Green Iron project around 2020–21 (see, for example, Element Zero's website).

4. In broad terms, Fortescue will allege, amongst other things, that:

    a. Dr Winther-Jensen sent emails to his personal address attaching confidential Fortescue technical documents relevant to Element Zero's ER chemical process and plant shortly before he left Fortescue;

    b. At Fortescue, Dr Kolodziejczyk had worked on the substantially the same chemical process as Element Zero's present chemical process;

c. Fortescue are unable to locate a substantial number of documents recording the research and development of the ER process in the Green Iron project on its internal file systems, being documents a person would expect to see in such research and development;

d. Element Zero has applied for patent applications, at least one of which covers the subject matter of the ER process; and

e. Element Zero has achieved technology development milestones that are highly improbable based on the resources available to them, without a springboard advantage.

5. The causes of action for which we consider Fortescue may have a strong *prima facie* case are:

a. Breach of confidence;

b. Breach of employment contract (as against the Individual Prospective Respondents); and

c. Copyright infringement.

6. Fortescue intends to make an urgent application for a Federal Court search order pursuant to Division 7.5 of the *Federal Court Rules 2011* (Cth) to search premises belonging to Element Zero and each of the Individual Prospective Respondents, and seize documents which may be important evidentiary material for the above causes of action and which are at risk of destruction.

7. **Enclosed** with this briefing note are the current draft terms of the search orders which we intend to apply for, without a finalised list of things the subject of the search orders. Would you please let us have your comments on the draft orders from your perspective as independent solicitors, including your proposed undertakings to the Court in Schedule B.

B. Relevant time frame

8. We currently intend to file an application for search orders with the Federal Court (in either the NSW or WA registry, but more likely the NSW registry) on **Monday, 29 April 2024**.

9. If the Federal Court grants these orders, we envisage that the search orders will be granted by Tuesday 30 April and executed on a weekday morning the same week (i.e. **Wednesday 1 May 2024 to Friday 3 May 2024**).

C. Private investigator and computer expert engaged

10. We have engaged **Robert Lancaster** of **Lancasters Investigations** as our private investigator to attempt to ascertain/obtain the following:

a. the current location of each of the Individual Prospective Respondents;

b. the typical location of each of the Individual Prospective Respondents during the work week (Monday to Friday) during business hours, including specifically from 9 am to 2 pm on each of those days, and whether the location is a private or business premises;

c. for each of the Individual Prospective Respondents, when they leave their residential premises to go to work on each of Monday to Friday;

d. an estimate of where each of the Individual Prospective Respondents will be during each day of the week commencing 29 April 2024 (based on the investigations in the bullet points above);

e. if any of the locations for any of the Individual Prospective Respondents include residential premises;

f. information regarding whether or not the only occupant of the premises to be searched is likely to be:

i. a female;

ii. a child under the age of 18;

iii. a vulnerable person; or

iv. any combination of the above, and any one or more of such persons,

as we will need a statement positively stating there are or are not any of the above persons at the premises;

g. if any of the locations for any of the Individual Prospective Respondents include residential premises; and

h. a photograph of each of the Individual Prospective Respondents at their residential premises (if possible), to compare against known photographs of the same.

11. We have also engaged **Rod McKemmish** of **Cyter** as the independent computer expert to assist with imaging/analysing any seized computer materials.

D. Parties subject to the search orders

12. As set out above, the parties against whom the search order may be executed are:

(a) Element Zero;

(b) Bjorn Winther-Jensen; and

(c) Bartlomiej Piotr Kolodziejczyk.

13. Set out below are background details of each of the Individual Prospective Respondents.

D.1 Bjorn Winther-Jensen

14. Bjorn Winther-Jensen (born 09/04/1960 in Gladsaxe, Denmark) is the Third Prospective Respondent. An ASIC Historic Personal Name Extract and ASIC Company Person Name Search for Dr Winther-Jensen, both dated 13 March 2024, are **enclosed** with this briefing note.

15. The ASIC personal name extracts indicate that Dr Winther-Jensen was a Director of Element Zero from 7 December 2022 to 11 January 2024.

16. Mr Winther-Jensen is currently a Director of Proton Systems Pty Limited (Mr Kolodziejczyk and Mr Masterman are also currently directors of this company).

17. Dr Winther-Jensen was previously employed by FMG Personnel Services Pty Ltd (a wholly owned subsidiary of Fortescue Metals Group Ltd) (**Fortescue**) as the Technology Development Lead from 15 February 2021. His role was to develop an Electrochemical Green Iron Technology process. He resigned from his position on 3 November 2021 (his final day of employment being 12 November 2021).

18. Prior to working at Fortescue, Dr Winther-Jensen held various engineering research and advisory positions, beginning in the Danish metal industry in 1980.

19. The address listed under the current and former directorship roles in Dr Winther-Jensen's Historic Personal Name Extract is Unit 4, 213 Gildercliffe Street, Scarborough, WA 6019. Property searches conducted by the private investigators indicate that Dr Kolodziejczyk owns this property with his wife (Orawan Winther-Jensen).

20. **Dr Winther-Jensen's latest whereabouts**: the private investigator observed Dr Winther-Jensen leaving and returning to his residence at Unit 4, 213 Gildercliffe Street, Scarborough, WA 6019 on Sunday, 21 April 2024. Dr Winther-Jensen was also observed at his property on Tuesday, 23 April 2024. Dr Winther-Jensen did not appear to be working and was observed conducting daily activities such as watering plants (8.10am), collecting parcels (9.07am), attending the gym (9.53–10.51am), and going shopping (11.26am–1.38pm).

D.2 Bartlomiej Piotr Kolodziejczyk

21. Bartlomiej ("Bart") Piotr Kolodziejczyk (born 03/05/1985 in Rzeszow, Poland) is the Second Prospective Respondent.

22. An ASIC Historic Personal Name Extract and ASIC Company Person Name Search for Dr Kolodziejczyk, both dated 13 March 2024, are **enclosed** with this briefing note.

23. Dr Kolodziejczyk was employed by FMG Personnel Services Pty Ltd as a Hydrogen Specialist, beginning in 25 March 2019. Dr Kolodziejczyk resigned from Fortescue on 22 October 2021, with his final day of employment being 5 November 2021.

24. Dr Kolodziejczyk currently holds the following directorship positions:

    a. Chief Technology Officer and Director at Element Zero (Director since 7 December 2022);

    b. Director of Proton Systems Pty Limited (since 16 December 2022);

    c. Director of Personal Quantum Technologies Pty Ltd (since 12 January 2024).

25. Dr Kolodzieczyk also appears to currently hold various other positions, such as Associate Director at Boston Consulting Group in Melbourne, Victoria (where he advises on hydrogen, batteries, clean technologies and decarbonisation).

26. The address listed under each of the current directorship roles in Dr Kolodziejczyk's Historic Personal Name Extract is 5A Volga Street, Hadfield, Victoria 3046. Property searches conducted by the private investigators indicate that Dr Kolodziejczyk owns this property with a person believed to be his wife (Ranthini Manirajan). Dr Kolodziejczyk and Ms Manirajan's Facebook profiles indicate that they reside in Melbourne, Victoria.

27. One other property that the private investigators have considered is 11 Bernard Street, West Leederville, WA, 6007, which is the registered office / principal place of business of Personal Quantum Technologies Pty Ltd (of which Mr Kolodzieczyk is a director). However, a title search for this property shows that it is owned by Nicola Dawn Wright, who does not appear to be related to Dr Kolodziejczyk.

28. **Dr Kolodziejczyk's latest whereabouts**: on Monday, 22 April and Tuesday, 23 April 2024, Dr Kolodziejczyk was observed at the Element Zero facilities in Malaga, Perth (see description of facilities below) and was later followed to Perth CBD. Dr Kolodziejczyk's wife and child were observed on Sunday, 21 April and Monday, 22

April 2024 at the Hadfield, Victoria property. On Tuesday, 23 April 2024, Dr Kolodziejczyk was observed purchasing children's toys in the Perth CBD and staying at Tribe Hotel, 4 Walker Avenue, West Perth. This suggests that he may potentially return to Melbourne in the near future. Our private investigator continues to conduct further surveillance of Dr Kolodziejczyk.

E. Prospective search locations

E.1 Unit 4, 213 Gildercliffe Street, Scarborough, WA 6019 – Dr Winther-Jensen's Residence

29. Property searches run by the private investigators indicate that Dr Winther-Jensen owns Unit 4, 213 Gildercliffe Street, Scarborough, WA 6019.

30. Exterior photographs of the property are shown below:

31. A floor plan of the property is included below:

32. As mentioned above, Dr Winther-Jensen was observed leaving and returning to the property on Sunday, 21 April 2024. He was accompanied by two females, presumably his wife and his daughter. Activity occurred inside the residence on Monday, 22 April 2024, but Dr Winther-Jensen was not directly observed that day (his car remained parked in the driveway all day). On Tuesday, 23 April 2024, Mr Winther-Jensen, his wife and his daughter were again observed at the property. The private investigators have concluded that this is his residence.

33. Potential vulnerable persons present at the property (photos below):

    a. Dr Winther-Jensen's wife; and

    b. Dr Winther-Jensen's daughter (aged approx. 16 years; was observed leaving for school at 8.30am and returning at 3.40pm on Tuesday, 23 April 2024).

E.2 5A Volga Street, Hadfield, Victoria, 3046 - Dr Kolodziejczyk's Potential Residence

34. Property searches run by our private investigators indicate that Dr Kolodziejczyk owns 5A Volga Street, Hadfield, Victoria, 3046. Below is a Google Maps Streetview screenshot showing the residence. The building is a duplex, with 5A Volga Street being accessed through the red door on the right hand side of the building.

35. A floor plan of the property is shown below:

36. The private investigators observed the residence from Sunday, 21 April 2024 to Monday, 22 April 2024. They confirmed Dr Kolodziejczyk's wife (Ranthini Manirajan) and child were resident, however, did not observe Dr Kolodziejczyk during the surveillance period. Rather, as noted earlier, Dr Kolodziejczyk was observed at the Element Zero facility in Malaga, Perth on Monday, 22 April and Tuesday, 23 April 2024.

37. The private investigator noted that there appeared to be a home office set up within the Hadfield, Victoria residence in the room to the right hand side of the front entry door. This space is shown in an online property listing dated January 2020 as follows (this listing also shows various exterior and interior views of the property):

38. Potential vulnerable persons present at this property (photos below):

    a. Ms Ranthini Manirajan (Dr Kolodziejczyk's wife); and

    b. Dr Kolodziejczyk's child (approximately 5 years old).

39. **Alternative or additional search premises**: Dr Kolodzieczyk is currently staying at Tribe Hotel, 4 Walker Avenue, West Perth. We understand from the private investigators that there is a possibility that Mr Kolodziejczyk may return to Victoria soon (i.e., as soon as next week). Monitoring will continue in order to ascertain Dr Kolodzieczyk for the prospective search dates next week.

E.3 Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090 – Element Zero's Facility

40. Element Zero's Principal Place of Business (according to an ASIC search and their website's 'Contact Us' page) is Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090.

41. Below is a WA Landgate Map Viewer Plus App showing a satellite image of Element Zero's premises, which is located at the north-east corner of 30 Oxleigh Drive, Malaga.

42. Below is a Google Maps Streetview screenshot of the entrance to 30 Oxleigh Drive, Malaga:

43. Below is an image of Unit 2, 30 Oxley Drive, Malaga (as it appeared in 2018, before Element Zero leased the premises):

44. Below are images taken by our private investigator this week of the interior of the premises:

E.4 Unit 1, 19 Oxleigh Drive, Malaga, Western Australia 6090 – Element Zero's Potential Secondary Premises

45. On Monday, 22 April and Tuesday, 23 April 2024, Mr Kolodziejczyk was observed by our private investigator entering Unit 1, 19 Oxleigh Drive, Malaga, WA 6090 shortly after departing Element Zero's facility at Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090. These premises are nearby to each other.

46. Unit 1, 19 Oxleigh Drive is an office building. There is apparently keycode access to the building. On Tuesday, 23 April 2024, electricians and air conditioner contractors were seen working within Unit 1, 19 Oxleigh Drive. This potentially suggests the office is still being set up.

47. Based on these observations, our private investigator suggests Unit 1, 19 Oxleigh Drive may be a secondary premises of Element Zero. This has not been confirmed, however.

48. Below is a Google Maps Streetview screenshot of Unit 1, 19 Oxleigh Drive:

F. Summary

49. In summary:

a. Element Zero's premises are Unit 2, 30 Oxleigh Drive, Malaga, WA (and potentially a secondary premises at Unit 1, 19 Oxleigh Drive, Malaga, WA 6090). Presently, we consider the primary premises at Unit 2, 30 Oxleigh Drive, Malaga, WA to be the main search site for Element Zero.

b. Dr Winther-Jensen has been recently observed at his residence at Unit 4, 213 Gildercliffe Street, Scarborough, WA 6019. We consider this residence to be the only search site for Dr Winther-Jensen.

c. Dr Kolodziejczyk has been recently observed in Perth, including at the Element Zero facility in Malaga. Dr Kolodzieczyk is staying at Tribe Hotel, 4 Walker Avenue, West Perth. Mr Kolodziejczyk owns a property in Hadfield, Victoria, where his wife and child have been recently observed. There is a possibility that Mr Kolodziejczyk may return to Victoria soon. However, he may also remain in Perth, or go elsewhere in the relevant time frame. Investigations by our private investigators are ongoing.

50. As investigations are ongoing, the prospective search locations canvassed in this briefing note are subject to change.

51. In light of the above information, please confirm that you and your team will have the necessary resources available to attend as independent solicitors at the following locations on each of the days of Tuesday to Friday next week (i.e., 30 April 2024 to 3 May 2024 inclusive):

a. up to four premises in Perth; and

b. Potentially one premises Melbourne.

52. Please promptly advise us if you or any of your colleagues in other cities are unavailable to assist with supervising the execution of the prospective search orders at these locations and on these days.

53. Please also provide us with a copy of your CV and the CVs of your colleagues who you propose supervise the execution of the search orders.

54. We look forward to receiving your comments on the proposed draft orders as soon as possible before 29 April 2024.

55. Please do not hesitate to contact us if you have any questions or if you wish to arrange a call to discuss. We will be in touch closer to the date of the execution of the search orders to arrange a briefing session before the execution of the search orders.

Yours faithfully

DAVIES COLLISON CAVE LAW
***Encl.**