

NOTICE OF FILING

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Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

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: 9 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
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(include state and postcode)

[Version 3 form approved 02/05/2019]

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

A. Background

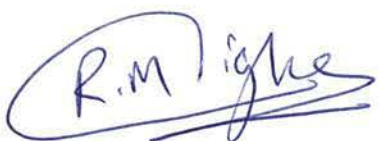
1. I am a principal of the firm Davies Collison Cave Law (**DCCL**) of Level 4, 7 Macquarie Place, Sydney, in the State of New South Wales and have the care, conduct and control of this proceeding on behalf of the Applicants.
2. This is my second affidavit in this proceeding (**Second Affidavit**). My first affidavit was affirmed on 1 May 2024 (**First Affidavit**).
3. The purpose of this Second Affidavit is to explain the Applicants' state of knowledge regarding the location of Dr Bartłomiej Piotr Kolodziejczyk, the Second Respondent.
4. The defined terms in my First Affidavit are adopted in this Second Affidavit.
5. I am authorised to make this affidavit on behalf of the Applicants. We refer to Fortescue as the Applicants. The statements that I make in this affidavit are based on the reports from private investigation firm Lancasters Investigations provided to the Applicants, which I have been forwarded (**PI Reports**), and on information and belief from Adrian Huber, Senior Legal Counsel of the Second Applicant.

B. Surveillance of the Respondents

6. As stated in **Part I of my First Affidavit**, Fortescue engaged a private investigator firm, Lancasters Investigations, with the aim of establishing the identity and location of each of the Respondents to the Search Order Application.
7. Since 21 April 2024, except in relation to the days of Sunday 5 May and Monday 6 May 2024, Fortescue has received reports from Lancasters Investigations regarding each of the Respondents to the Search Order Application, including their location (**PI Reports**).
8. The PI Reports from the period 21 April to 28 April 2024 were annexed to my First Affidavit and marked Annexure "PAD-2".
9. The PI Reports from the period 29 April to 7 May April 2024 (except in relation to the days of Sunday 5 May and Monday 6 May 2024) are annexed to this Affidavit and marked Annexure "**PAD-6**".

C. Unknown present location of Dr Bartłomiej Piotr Kolodziejczyk

10. The relevant particulars of the PI Reports regarding Dr Kolodziejczyk's location are provided in the table below.





Date of Surveillance	Date and reference no. of PI Report	Summary of Dr Kolodziejczyk's location
26 April 2024	29 April 2024 Lancasters' reference no.: 24.422.20	<ul style="list-style-type: none"> On Friday 26 April 2024, Dr Kolodziejczyk boarded a flight from Perth to Melbourne. On the same day, he landed at Tullamarine International airport, Melbourne. Dr Kolodziejczyk was observed at Dr Kolodziejczyk's Residence after his flight to Melbourne.
27-30 April 2024	See Annexure PAD-2.	<ul style="list-style-type: none"> As stated in Annexure PAD-2, Dr Kolodziejczyk was observed at Dr Kolodziejczyk's Residence.
1 May 2024	3 May 2024 Lancasters' reference no.: 24.422.32	<ul style="list-style-type: none"> Dr Kolodziejczyk was observed at Dr Kolodziejczyk's Residence after his flight to Melbourne.
2 May 2024	2 May 2024	<ul style="list-style-type: none"> Dr Kolodziejczyk was not observed; however, it was noted a blind was moved during the surveillance period while the wife was absent from the residence indicating the subject (or another person) was at Dr Kolodziejczyk's Residence.
3 May 2024	5 May 2024 Lancasters' reference no.: 24.422.35	<ul style="list-style-type: none"> Dr Kolodziejczyk was observed at Dr Kolodziejczyk's Residence.




4 May 2024	5 May 2024 Lancasters' reference no.: 24.422.37	<ul style="list-style-type: none"> • On Saturday, 4 May 2024, Dr Kolodziejczyk travelled to Melbourne Airport carrying luggage. • His vehicle arrived at Melbourne Airport, Tullamarine and entered the ramp to the drop zone of the Domestic Terminal. • Dr Kolodziejczyk was observed entering the Melbourne Domestic Terminal carrying luggage. • The PI operatives were unable to park vehicles at the Quick drop Zone, where Dr Kolodziejczyk exited his car. • The PI Report notes there were two potential flights to Perth due to depart at around the time Dr Kolodziejczyk reached the airport.
5 May 2024	N.A.	<ul style="list-style-type: none"> • Dr Kolodziejczyk was not under surveillance.
6 May 2024	N.A.	<ul style="list-style-type: none"> • Dr Kolodziejczyk was not under surveillance.
7 May 2024	8 May 2024 Lancasters' reference no.: 24.422.40	<ul style="list-style-type: none"> • Dr Kolodziejczyk was not observed. • This is the most recent PI Report that the Applicants have in relation to Dr Kolodziejczyk. • This PI Report is in relation to surveillance of Dr Kolodziejczyk's Residence only. • In addition, the Applicants have undertaken the further relevant investigations described at Part D, below.

11. I infer from PI Report no. 24.422.37 that Dr Kolodziejczyk caught a domestic flight out of Melbourne Airport on 4 May 2024.
12. As at the date of affirming this affidavit on 9 May 2024, the Applicants do not know the location of Dr Kolodziejczyk, however for the reasons below they consider that he may be in Port Hedland.




D. Basis for the Belief that Dr Kolodziejczyk may be in Port Hedland

13. On Tuesday 7 May 2024, Mr Huber instructed Lancasters Investigations to immediately reinstate their surveillance of the below locations in order to locate Dr Kolodziejczyk, and to immediately report to Fortescue any sighting of Dr Kolodziejczyk. The locations that have been under surveillance at all times since Tuesday 7 May (including today) are:
- (a) Dr Kolodziejczyk's Residence.
 - (b) Dr Winther-Jensen's Residence.
 - (c) Business Premises.

(Collectively the Premises)

14. As of the time of affirming this affidavit, Dr Kolodziejczyk has not been located at any of the Premises.
15. On 8 May 2024, Mr Huber further instructed Lancasters to reinstate surveillance of Mr Michael George Masterman's residences at 26 Margaret Street, Cottesloe WA 6011 and 9 Ritchard Avenue, Coogee NSW 2034 (**Mr Masterman's Residences**).
16. As of the time of affirming this affidavit, Mr Masterman has not been located at Mr Masterman's Residences or the Premises.
17. In the PI Report (ref. no. 24.422.25) dated 1 May 2024, the following is stated at page 1:

On Tuesday 30 April 2024 the subject arrived at and entered his residence early in the morning. Later he attended two cafes and checked his mobile phone. Later the subject departed his residence and caught an Uber to Perth Airport carrying an overnight bag and two satchel like bags and is believed to have caught a plane to Port Hedland.

With the following further information stated at pages 5 to 8:

The subject exited his residence and was picked up by an Uber and it was noted he was carrying an overnight case and two satchel like bags. The Uber White Hyundai Accent 1ETN 502 was followed in peak hour through Subiaco, Graham Farmer Freeway and onto Tonkin Highway to Perth Airport Terminal 1.

The Uber arrived at Terminal 1, Perth Airport. The subject exited the Uber at speed and ran into the departure area carrying his overnight case and two bags. Operatives parked their vehicles and entered the airport.

The next boarding flights were checked and a search of the airport and departure lounges failed to locate the subject. Next flights being 10.20 Qantas to Melbourne

R. M. L. Ghe

[Signature]

and 11.15 Virgin to Sydney. The subject was not observed and is believed to have caught the Port Hedland Flight. Ceased surveillance at the airport and redeployed.

18. In addition to the PI Report (ref. no. 24.422.25) dated 1 May 2024, I am aware of the below statement from the article titled "*The iron men with a \$3 billion plan to save the planet*" published in the Age on 15 April 2024:

"Element Zero is seeking West Australian government approval for its green iron processing plant on 25 hectares in the Boodarie strategic industrial estate near Port Hedland."

Annexed and marked **Annexure "PAD-7"** is a copy of the article dated 15 April 2024 which was published in *The Age* and contains this announcement.

I am informed by Mr Huber that the Boodarie Strategic Industrial Area is near Port Hedland, Western Australia (**Boodarie**).

19. I am informed by Mr Huber and believe it to be true that he today instructed Lancasters to investigate whether Dr Kolodziejczyk and Mr Masterman are presently located in Port Hedland or Boodarie.
20. I am informed by Mr Huber and I believe it to be true that he has today examined Dr Kolodziejczyk's Facebook, X and Instagram accounts and they do not provide any indication as to Dr Kolodziejczyk's present location.
21. If the court is minded to grant the Applicants' interlocutory application for search orders, then the Applicants intend to execute those search orders at the earliest available opportunity once the Second Respondent has returned to any of the Premises as defined in the Interlocutory Application, such that the search order can be executed simultaneously on the First, Second and Third Respondents. If the Applicants were to execute the search orders without the Second Respondent being present at one of the Premises, then it is likely that would have deleterious effects including, for example, the inability of the Second Respondent to provide computer passwords in respect of computer devices at the Premises; the inability for the search order to capture personal computer devices that he may have on his person; and may impact his ability to assert self incrimination privilege in respect of the material searched at the Premises.




Affirmed by Paul Alexander Dewar)
at Sydney in New South Wales)
on 9 May 2024)
Before me:)



Signature of witness

Rohit Manoj Dighe, Solicitor



Signature of Paul Alexander Dewar

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

ANNEXURE PAD-6

This is the annexure marked **PAD-6** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his second affidavit on 9 May 2024.

Before me:

A handwritten signature in blue ink, appearing to read "R. Migne", written over a dotted line. The signature is stylized and includes a large loop at the beginning.



For the use of client legal advisers - Privileged

30 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: 24.422.23

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 at UNIT 2, 30 Oxleigh Drive, Malaga, WA, and the Element Zero offices located at UNIT 1, 19 Oxleigh Drive, Malaga, WA were placed under surveillance.

On Monday 29 April 2024 numerous /employees/staff arrived and attended UNIT 2, 30 Oxleigh Drive, Malaga, WA. Later the subject POI 1 MASTERMAN was observed at the offices of Element Zero at UNIT 1 and UNIT 2 before he departed and attended the Como and Treasury Hotel in Perth. Other individuals of interest were also observed and followed during the day.

SURVEILLANCE REPORT

LOCATION:

ELEMENT ZERO

Industrial Unit 2, 30 Oxleigh Drive, Malaga, WA.



SECONDARY ADDRESS: Office building 19 Oxleigh Drive Malaga, WA



MONDAY 29 April 2024

- 0600 Operatives commenced observations in the vicinity of UNIT 2, 30 Oxleigh Drive Malaga WA, and in the vicinity of UNIT 1, 19 Oxleigh Drive Malaga WA.
- 0758 A grey Hilux registration 1CWC 458 arrived and parked at 30 Oxleigh Drive. A grey haired Caucasian thick set male wearing a HiVis shirt and carrying a backpack exit the vehicle and walked towards Unit 2 and moved from view.



- 0815 A white Hilux registration 1GPD 502 arrived and parked at 30 Oxleigh and the driver exited the vehicle and walked to UNIT 2. He is described as a dark-skinned medium size male wearing a HiVis shirt and carrying 2 backpacks.



0816 A young Asian male arrived on foot and walked to UNIT 2.



0818 Several vehicles arrived at once. A white Kia registration 1HFD 567 arrived and parked at 30 Oxleigh and a male previously observed exited the vehicle and walked to UNIT 2. A blue BMW X5 registration 1GXC 202 parked near UNIT 2 and an unknown male with beard exited the vehicle and carried several boxes into UNIT 2. A white Hyundai registration I30 1GLK 653 also parked near UNIT 2 and a female exited the vehicle and entered UNIT 2.





0836 A dark blue/black Mercedes 1EXB 278 arrived and a male previously observed exited the vehicle and entered UNIT 2.



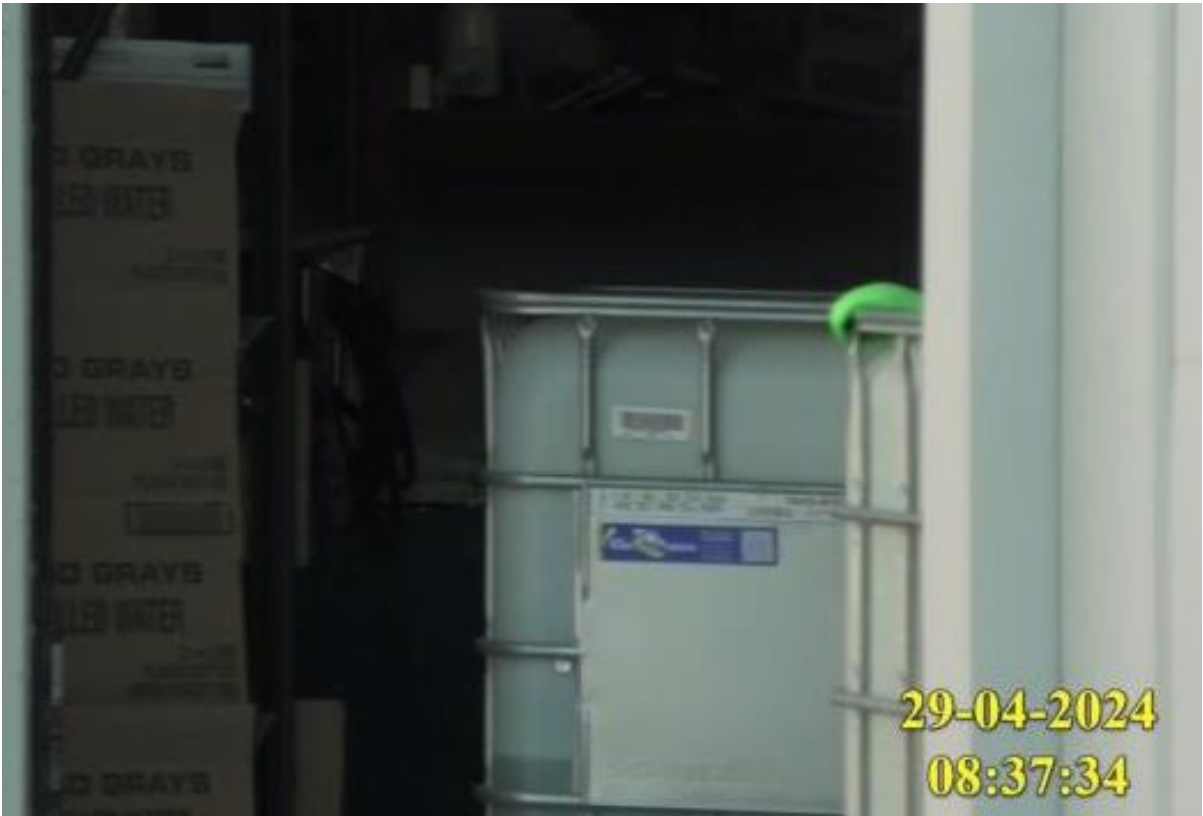
0845 A gold Subaru registration DJL182 arrived, and an Asian male exited the vehicle and entered UNIT 2



0847 A silver Rav 4 registration 1DRA680 arrived and a female of Indian appearance exited and entered UNIT 2. A black Honda Camry registration 1CPP350 arrived and male with dark skin wearing a HiVis shirt exited the vehicle and entered UNIT 2 with the female.



0837 A close drive by of UNIT 2 was conducted and it was noted the roller door open and what appeared to be boxes of 'David Grays Distilled bottled water', two large liquid drums, and what appeared to be a HAZMAT shower were visible. Two males were inside the unit.







- 0939 The Subaru 1DJL182 departed and was followed to the 'Bridgestone Select Tyres Malaga', 1/3 Carson Road, Malaga. The car was dropped off and the driver was picked up by a Honda CRV. The Honda CRV was followed and then parked at 32 Oxleigh.
- 0914 The two males exited UNIT 2 in a Toyota Hilux registration 1GFD-502 and were followed to a 'Bunnings' store car park in the local area and the two males exited the vehicle and entered the store from view.
- 0947 The two males exited the Bunnings store, and it was noted the older male was now carrying a box with various items. Operative ceased following the two males and returned to the vicinity of UNIT 1, 19 Oxleigh Drive.



0957 A white Mitsubishi Lancer registration 1CWL-404 parked outside unit 1/ 19 Oxleigh Drive. A female exited the vehicle and walked to the front door to UNIT 1 and as she approached the door was opened by POI 1 MASTERMAN. It is believed Masterman arrived during the brief follow of the two males who attended Bunnings. The female and POI 1 entered the offices from view.



1106 A female exited the area from UNIT 2, 30 and talked on mobile phone for several minutes.



10.06 The BMW X5 departed 30 Oxleigh, and was followed to 'Muz Buz'. The vehicle then returned to number 30.



1125 Two females exited from UNIT 1/ 19 and they entered a silver Kia registration MH-138Z and departed the area.



1127 The Kia MH-138Z entered number 30 and parked outside UNIT 2. The female in the Tan dress appeared to be showing and explaining to the other female the location. They both returned to the Kia and returned to the vicinity of UNIT 1, 19.





1135 MASTERMAN exited from UNIT 1, 19 and spoke with the two females in the Kai who had parked outside the building. MASTERMAN then returned inside UNIT 1 from view. The females parked the vehicle near UNIT 1, exited the vehicle and entered the offices from view. MASTERMAN then exited the offices and walked to UNIT 2, 30.



1150 MASTERMAN walked back to UNIT 1, 19 and opened the door using the keypad lock and entered the building from view.



1220 The unknown female wearing the tan dress exited UNIT 1, 19. The female entered the Kia MH-138Z, departed and was followed.





1222 MASTERMAN exited Unit 1, 19 carrying a laptop/tablet and pushing his luggage. MASTERMAN commenced looking at the laptop/tablet and then his mobile phone and appeared to be waiting for an Uber. MASTERMAN was observed waving at a Tesla registration CHILLIE, then MASTERMAN entered the vehicle and was driven from the area and was followed.







1230 The female in the Kia registration MH129Z was followed to the 'Warwick Grove' Shopping Centre, Erindale Road Warwick where she parked in the shopping centre carpark. The female then entered the shopping centre and was followed on foot.





1250 The Tesla with MASTERMAN on board was followed to and parked outside the ‘Como the Treasury’ Hotel on St Georges Terrace, Perth. MASTERMAN exited the vehicle and entered the hotel and was followed on foot by Operative RC who utilised a covert camera. MASTERMAN was observed viewing and talking on his tablet. He finished his chat and walked to a lift with the valet and ascended in the lift to level 4 the ‘Wildflower.’ He was overheard saying “having a meeting”.



Surveillance maintained within and outside the Como the Treasury Hotel. MASTERMAN was not observed.



Operatives changeover to minimise compromise. The pedestrian and vehicle exits remained under surveillance to await MASTERMAN'S departure.

1313 The female returned to her Kai, departed and was followed.



1412 The white Audi Sedan departed 30 Oxleigh.

1428 A grey BMW Coupe with a male driver departed 30 Oxleigh.



1517 The female wearing the tan dress was followed and parked outside and then entered [REDACTED]. It was noted a second vehicle was parked in the carport a white Hyundai registration 1CXQ-522.

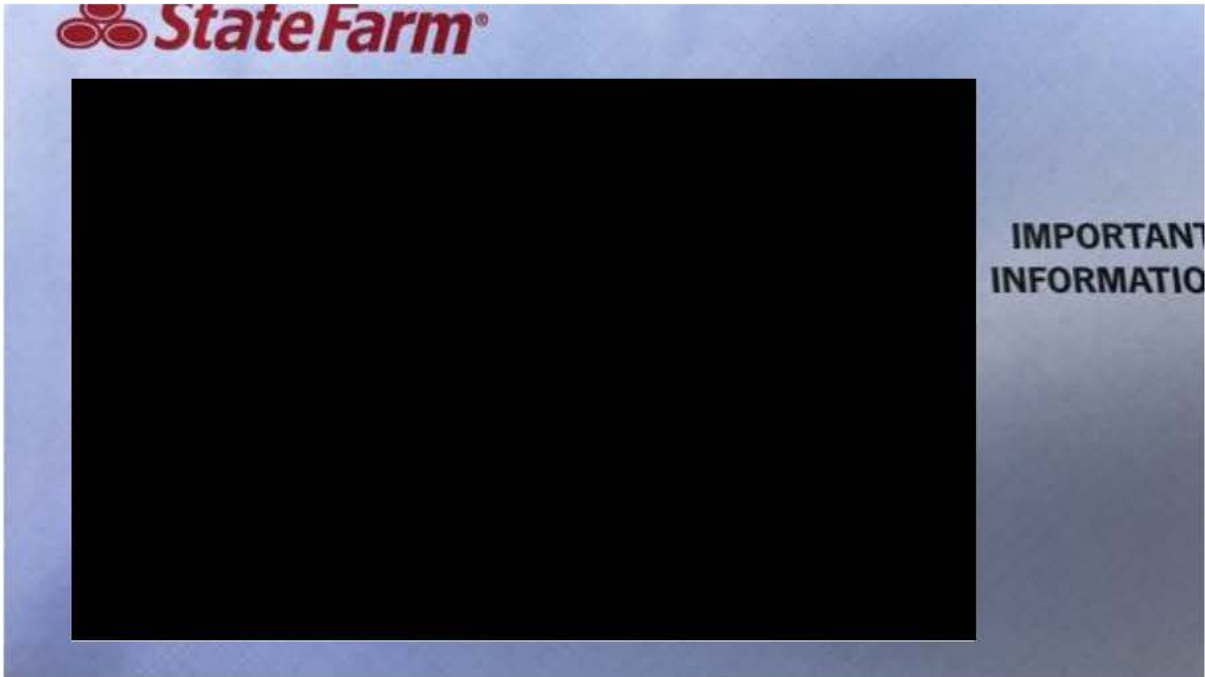


1523 MASTERMAN had not been observed to depart the Como and Treasury Hotel.



A check of MASTERMAN'S residence revealed the red Daewoo hatch previously observed was still parked in the driveway. It was noted the previous mail was still protruding from the mailbox. Also noted was there were two new letters associated to MASTERMAN. A search of the garbage bins noted no new rubbish at this time.





1705 The dark Blue/black Mercedes departed 30 Oxleigh.



1742 A brown Subaru Impresa exited the carpark to 30 Oxleigh. A male exited the vehicle and locked the main gate then entered his vehicle and departed the area.

The Carpark was now empty of vehicles. Operative relocated to cover 19 Oxleigh Drive.



1800 No activity at UNIT 1, 19 Oxleigh Drive. Surveillance ceased.



1808 A walk through of the Como the Treasury Hotel revealed no sighting of MASTERMAN. The Hotel has several eateries which were checked. Post, Cape Arrid, Petition Kitchen, Beer Corner, Long Chim. Wildflower Resturant is accessed by a lift however the lift had been locked for guests only.



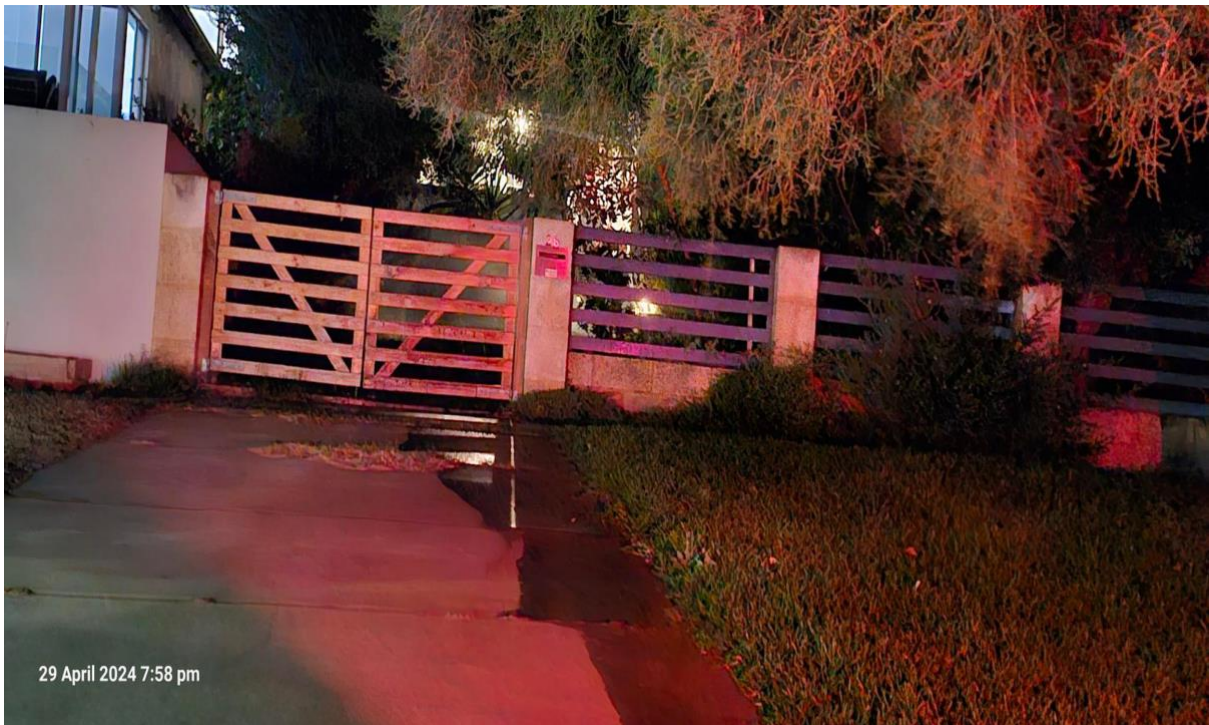
1834 A spot check of MASTERMAN'S residence at [REDACTED] revealed the red Daewoo Hatch was now absent. A search of local area failed to locate the vehicle.



1930 MASTERMAN had not been observed to depart the Como the Treasury Hotel. Operatives ceased surveillance.



2000 MASTERMAN at not been observed at his [REDACTED] residence. The Daewoo had still not returned. Ceased surveillance.



FURTHER INVESTIGATION

Property overview

has a land size of 660 m². It is a duplex house (together with 34A) that was built in 1966 with 1 bedroom, 1 bathroom, and 1 parking space. It was sold in 1998 for \$400,000. There are no recent rental listings indicated to the property.

A Title Search was carried out and the Certificate of Title revealed the owners;

LAND DESCRIPTION:

LOT ON SURVEY-STRATA PLAN

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

REGISTERED PROPRIETOR:

(FIRST SCHEDULE)

GERALD BARKER

JULIE VERNE BARKER

BOTH OF

AS JOINT TENANTS

COMMENT AND RECOMMENDATION

The Element Zero industrial facility appears to be in operation at UNIT 2, 30 Oxleigh Drive, Malaga and a number of employees/staff have been observed at the facility. MASTERMAN was observed at the offices and facility of Element Zero prior to attending the Como the Treasury Hotel in Perth.

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

1 May 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: 24.422.27

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 Monday 29 April activity was observed and the subject was followed from his residence to Melbourne where he met a male and had a meeting. He later returned to his residence.

On Tuesday 30 April 2024 the subject and his wife and child were observed at their residence.

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 11F-5EQ**

Monday 29 April 2024

0500 Operative TOD arrived in the vicinity of 5A Volga Street, Hadfield, Victoria 3046. On arrival the residence was in darkness with no observable lights on internally or externally. The subject's white Hyundai I30 hatchback registration 11F-5EQ was parked in the driveway.



0857 The subject's wife exited the residence and placed her child into the rear seat of the Hyundai I30. It was noted she was dressed in casual smart attire wearing a dress. She then entered the vehicle and the vehicle departed. Surveillance maintained on the subject's residence.



0938 An Australia Post-delivery bike delivered a parcel to the subject's residence.



1024 The subject exited the residence and was dressed casually in green shorts and a grey T-shirt. He walked to and checked the letterbox and retrieved the parcel and then returned inside his residence from view.



1300 Operative AKA arrived in the vicinity of the subject's residence. Operative CRS departed. Surveillance continued with operative's AKA and TOD.

- 1330 A red Hyundai arrived at the property and parked on the roadside, the vehicle appeared to be an Uber and the driver an unknown male of Indian descent. Minutes later the subject was observed as he exited the residence and entered the Uber. The subject was dressed casually in blue jeans, brown boots, and a blue jacket. The Uber departed and was followed by both operatives.
- 1336 The vehicle arrived and parked on the side of the road by Oak Park Train station, 190 Waterloo Road, Oak Park. The subject exited the vehicle and walked at a pace down the ramp into the station and was followed on foot.



- 1328 The subject was observed seated within the Train station's outdoor waiting room. The subject sat alone and was consistently on his mobile phone looking down as he waited for the next City Bound train to arrive.
- 1344 The subject stood up and walked away looking down on his mobile, as if to be making a call. He walked along the platform and appeared to make a call and then returned to his seat in the waiting room.
- 1350 A City/Sunbury bound Train arrived at the platform, and the subject stood up and swiftly walked into the train. He continued to walk within the train walking towards the end of the carriage and then sat alone. Operative AKA remained on the train. Operative TOD followed in the surveillance vehicle towards the city.
- 1418 The subject exited the train at Flinders Station and walked along Flinders Lane at a fast pace and was followed on foot.
- 1425 The subject stopped briefly at a sandwich takeaway store and made a purchase of an item within a brown paper bag, he then continued walking again at a fast pace and was followed on foot.
- 1427 The subject sat on a bench along the centre of the footpath of Swanson Street. He then consumed his food item and sat alone using his mobile phone.
- 1429 The subject stood up and moved to another bench nearby and continues to speak on his mobile.
- 1444 The subject remained seated using his mobile, and it appeared he was waiting for someone.
- 1455 The subject stood up and departed and walked at a fast pace to Collins Street. He then stood on the corner of Collins and Russell Street.
- 1500 The subject was approached by a male of Indian appearance who arrived on foot, the pair shook hands and were observed smiling. They stood briefly exchanging words then departed together walking side by side along the footpath walking down Russell Street.



1510 The pair continue walking along the foot path holding a conversation and at times the Indian male taped the subject's back in a friendly gesture.



1513 The pair walked into a restaurant on Russell Street, 'The Duke of Wellington'. 146 Flinders Street, Melbourne.



1520 Operative TOD arrived after parking the Surveillance vehicle nearby. The subject and the male continued to have a conversation.





1556 The subject and the male exited The Duke of Wellington and continued walking together along Russell Street again at a fast pace.



1557 The Pair parted ways at the corner of Collins Street. The male entered a Blue Toyota SUV as passenger and the vehicle immediately departed the area. Operative TOD was unable to follow the vehicle due to heavy traffic within the area and changing traffic lights.

1558 The subject continued to walk alone along Collins Street walking at a fast pace.



1601 The subject stopped on the corner of Collins Street and Swanson Street and appeared to be waiting.

1605 A white Toyota Camry arrived and parked beside the subject, the subject entered the vehicle and the vehicle immediately departed. A follow was again not possible due to heavy traffic conditions.

1636 Operative's returned to the parked Surveillance vehicle at Oak Park Train Station. Surveillance vehicle 2 retrieved and both operatives returned to the vicinity of the subject's residence.

1751 The white Hyundai arrived at the property and parked on the driveway. The subject's wife exited the vehicle and assisted her child from the rear seat and entered the residence from view.



1803 A dark coloured sedan arrived and parked in front of the Subject's residence. The subject exited the vehicle and walked to the front door of his residence out of view. The vehicle, believed to be an Uber then departed.



2016 A drive by was conducted and revealed the downstairs lights were on.

2100 No further activity observed, and the central downstairs lights remained on. Surveillance ceased.

Tuesday 30th April 2024

0500 Operative AKA arrived in the vicinity of the subject's residence 5A Volga Street Hadfield, Victoria 3046. On arrival the residence was in darkness with no observable lights on internally or externally. Parked on the driveway in front of the garage was the subject's white Hyundai I30 hatchback registration 1IF-5EQ.



0549 Operative GRK arrived and joined Operative AKA.

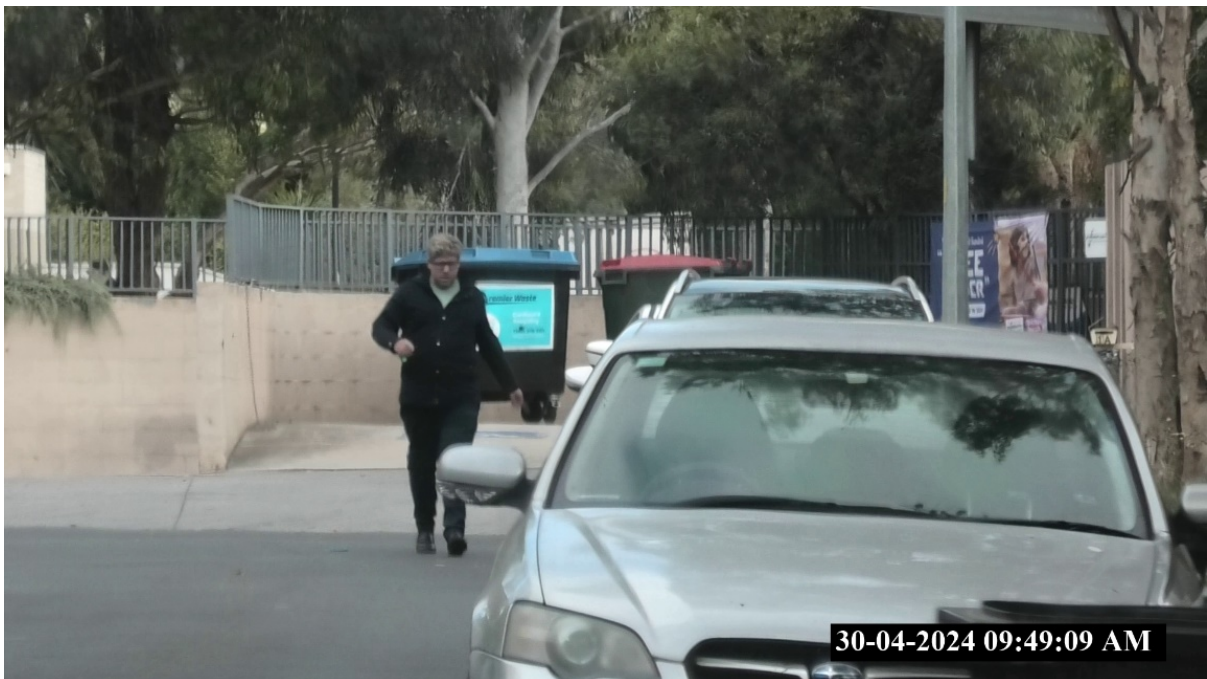
0928 The subject exited the residence and walked to the passenger side door of the Hyundai I30. He then walked from view.

0936 The Hyundai I30 reversed out of the driveway and departed the property. The subject was driving, and the small child was observed restrained in the back seat. The vehicle was followed.

0945 The vehicle arrived at and parked next to the 'Pelicans Child Care' located at 1A Woiwurung Crescent, Coburg. The subject exited the vehicle and assisted his child from the vehicle and then both entered the childcare centre.



0949 The subject returned to his vehicle alone and departed and was followed.





- 1014 The subject was followed back to his residence and parked his vehicle in the driveway and entered the residence from view.
- 1155 A walk by revealed the blinds on the ground floor were now. No movement was detected.
- 1206 A walk by revealed no change.
- 1300 Operative CRS arrived in the area, Operative GRK departed. Surveillance continued by Operatives AKA and CRS.
- 1442 The subject exited the residence and checked the mailbox then returned inside the residence.



1505 A walk revealed no change.

1609 The subject exited the residence and walked to the white Hyundai I30 and opened the boot door then loaded numerous bagged items into the vehicle that appeared to be clothing items.



1613 The subject departed in the Hyundai I30 and was followed.

1624 The vehicle arrived and parked by an outdoor car park beside a 'Salvation Army' shop at 830 Pascoe Vale Road, Glenroy. The subject exited the vehicle and was observed unloading bags of items into a clothing donation bin and bins for other items.

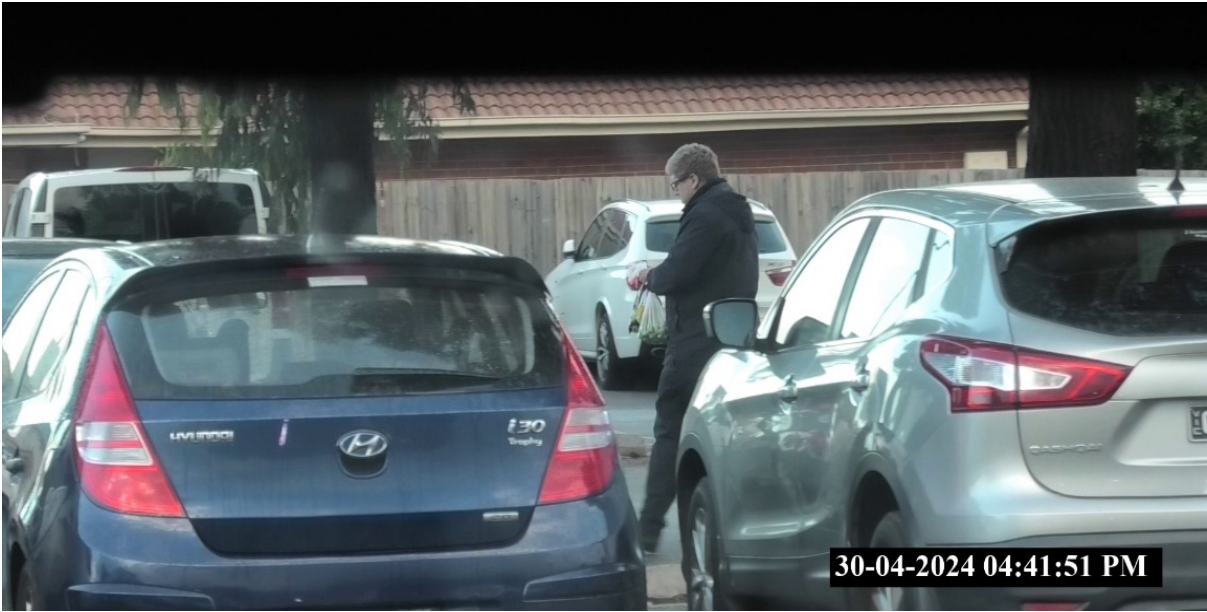




1624 The subject entered his vehicle and departed and was followed to a Woolworths store near his residence, located at 10 West Street, Hadfield. The subject parked in the carpark and then entered the store from view.



1641 The subject exited the Woolworths store carrying several items and entered his vehicle and departed and was followed back to his residence.





1724 The Hyundai I30 departed the property, driven by the subject's wife. Surveillance maintained in the vicinity of the residence.



1824 The subject's wife returned in the Hyundai I30, and assisted her child from the vehicle and entered the residence accompanied by the child.

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

COMMENT AND RECOMMENDATION

The subject was active during the surveillance period and had a meeting with an unknown male in Melbourne. He continues to reside at the given address with his wife and child.

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

A handwritten signature in black ink, consisting of a large, stylized loop followed by a long, thin horizontal stroke extending to the right.

ROBERT LANCASTER
DIRECTOR



For the use of client legal advisers - Privileged

1 May 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: 24.422.24

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 Monday 29 April and on Tuesday 30 April 2024 the subject was not observed. The subject's vehicle remained parked outside the subject's residence and lights were on inside the residence in the evening. It is not known at this time if the young Asian female is still resident as she has not been observed to depart or return from school.

SURVEILLANCE REPORT

SUBJECT POI 3: BJORN WINTHER-JENSEN



DATE OF BIRTH 09/04/1960

ADDRESS: UNIT 4, 213 GILDERCLIFFE STREET
SCARBOROUGHWA6019

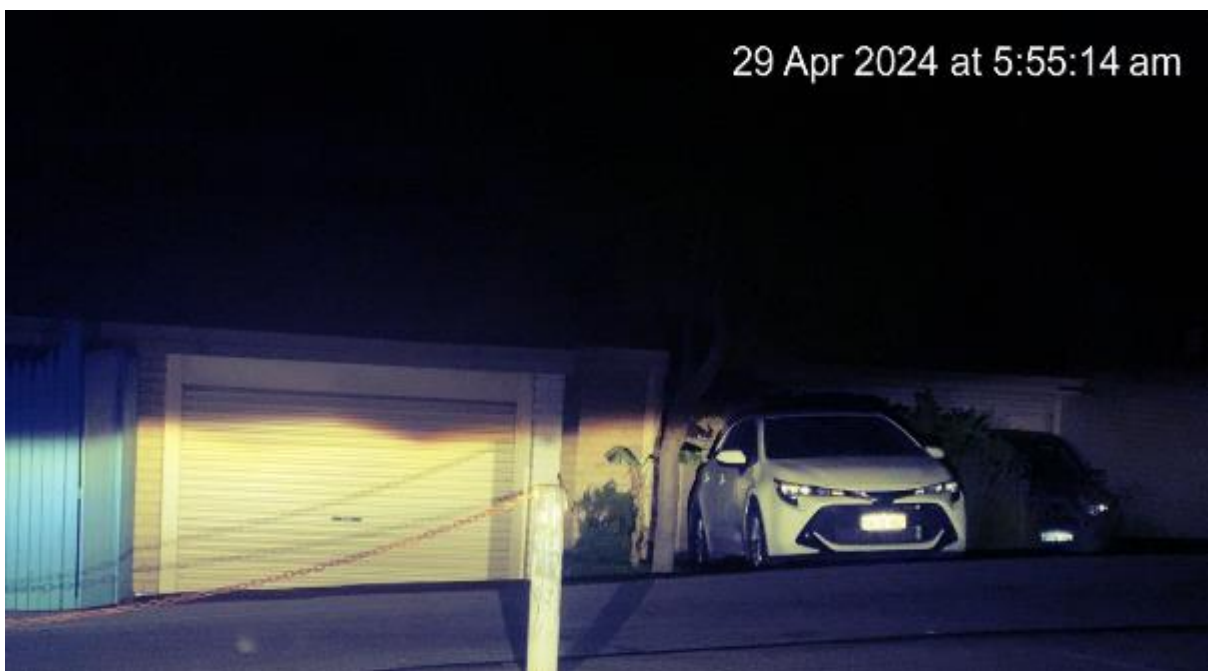
WIFE ORAWAN WINTHER-JENSEN

CHILDREN ONE FEMALE AGED APPROX 16
POSSIBLE DAUGHTER

VEHICLES: White Toyota Corolla Registration 1HID-902

Monday 29 April 2024

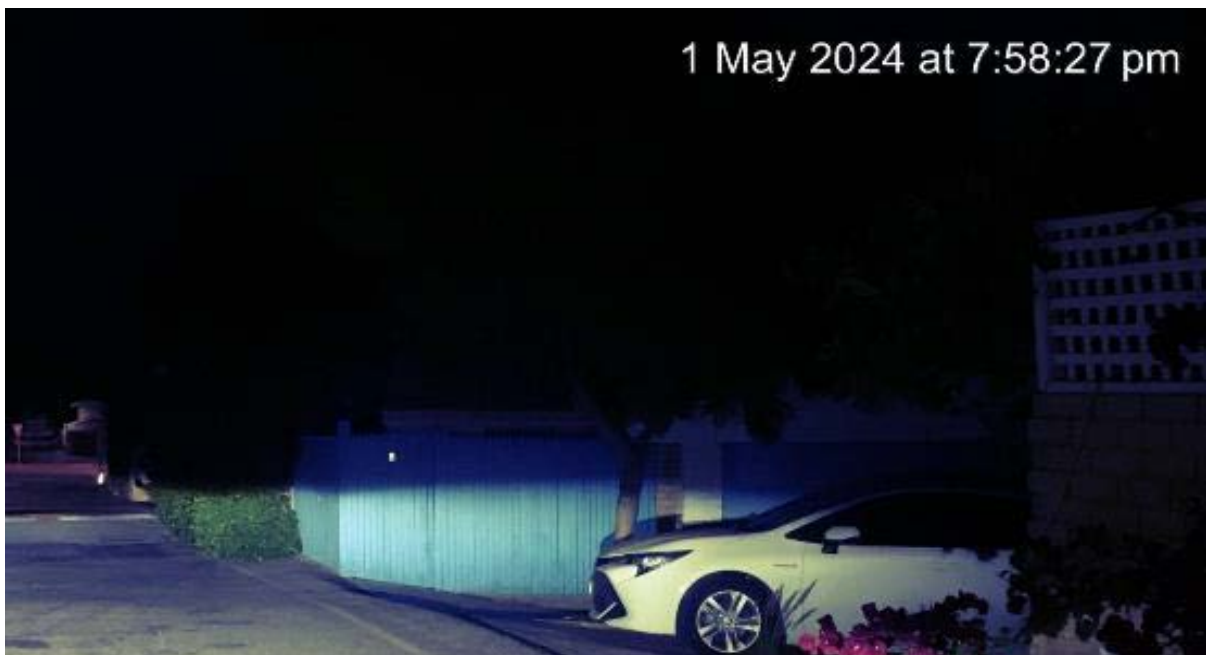
0555 Operative JS commenced observations in vicinity Unit 4/ 213 Gildercliffe Scarborough. The Hyundai (1HID-902) was parked beside the residence.



- 1000 With no movement detected and the subject unsighted operative detailed to assist with the surveillance / follows of MASTERMAN.
- 1557 Operative JS arrived back in the vicinity of the subject's residence at Unit 4/ 213 Gildercliffe Scarborough. The Hyundai (1HID-902) was parked beside the residence.
- 1605 Operative MP arrived in the vicinity of the subject's residence and joined Operative JS.

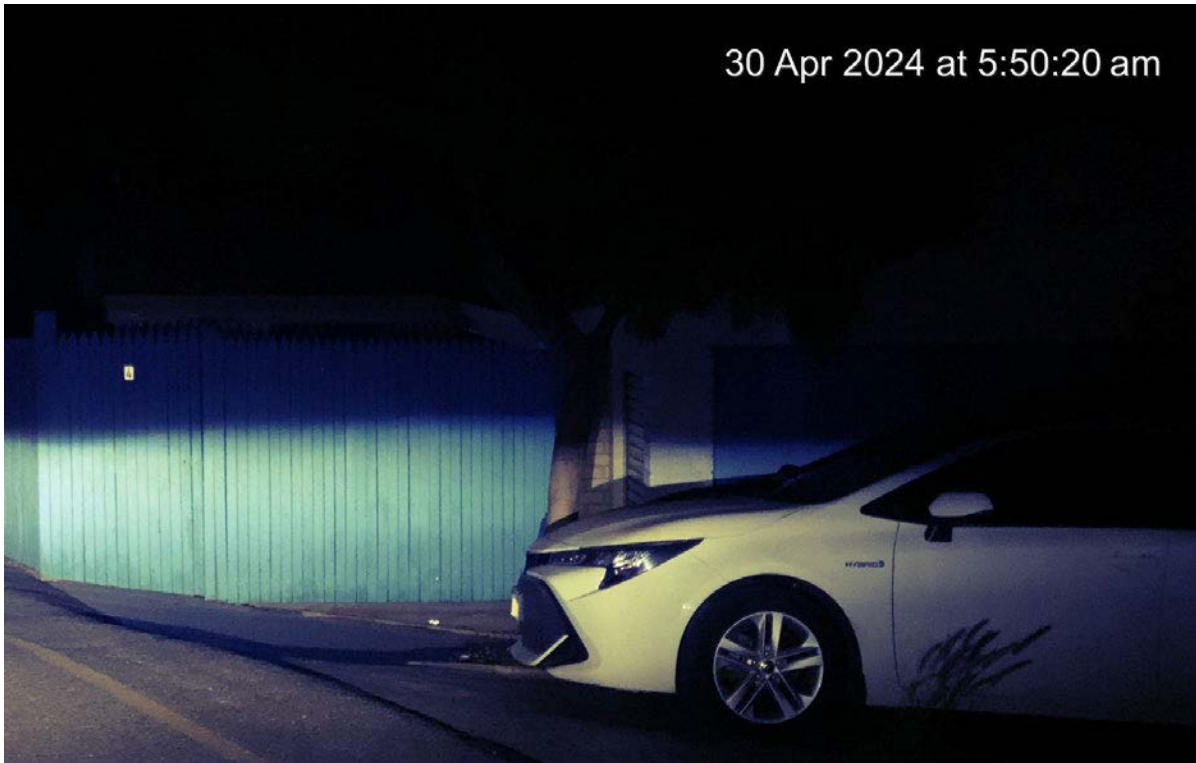


- 2000 With no activity at the residence surveillance was ceased. It was noted lights were on inside the residence on departure.



Tuesday 30 April 2024

0555 Operative JS commenced observations in vicinity Unit 4/ 213 Gildercliffe Scarborough. The Hyundai (1HID-902) was parked beside the residence.



0630 No movement was observed. Operative tasked to assist in the surveillance / follows of Masterman.

1319 Operative JS recommenced observations in vicinity Unit 4/ 213 Gildercliffe Scarborough. The Hyundai (1HID-902) was parked beside the residence. It was noted the sunshade was no longer on vehicle's windscreen indicating the vehicle may have been moved.



1900 No movement had been detected. Ceased surveillance. Lights were on inside the residence.

COMMENT AND RECOMMENDATION

The subject was not observed 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

A handwritten signature in black ink, appearing to be 'R. Lancaster', written over a light blue grid background.

**ROBERT LANCASTER
DIRECTOR**



For the use of client legal advisers - Privileged

1 May 2024

Darren Perry
Partner
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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: 24.422.26

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 and the offices at UNIT 1, 19 Oxleigh Drive were placed under a period of surveillance.

On Tuesday 30 April extensive activity was observed at both locations and numerous employees/staff were identified and both locations appear to be operating at this time.

SURVEILLANCE REPORT

LOCATION:

ELEMENT ZERO

Industrial Unit 2, 30 Oxleigh Drive, Malaga, WA.



SECONDARY ADDRESS:

Office building 19 Oxleigh Drive Malaga, WA



TUESDAY 30 April 2024

0600 Two Operatives commenced surveillance in the vicinity of UNIT 1, 19 Oxleigh Drive Malaga, and UNIT 2, 30 Oxleigh Drive Malaga, WA. On arrival it was noted UNIT 1 was in a closed state. An Audi and another vehicle were already in the car park at 30 Oxleigh Drive.



0619 Previously observed staff members started to arrive on foot and vehicles and entered UNIT 2.









0757 A previously unsighted Hyundai WA registration 1GLK-953 entered the car park, the female driver exited the vehicle, and the male passenger then entered the driver's seat. The female collected a bag from the rear seat then walked towards UNIT 2. The male then sat in the vehicle in the carpark for a further 53 minutes then departed alone.



Other staff members continue to arrive on foot or in vehicles.



0833 The male believed to be the facility manager arrived in the dark blue/black Mercedes. He exited his vehicle in the carpark and proceeded on foot towards UNIT 2.



0936 A silver Subaru BRZ parked near UNIT 1, 19 Oxleigh Drive. The previously observed males from number UNIT 2 exited the vehicle and entered UNIT 1 from view.

1106 The same two males exited UNIT 1, 19 Oxleigh and walked to Unit 2, 30 Oxleigh Drive.



1219 A close walk past UNIT I with a covert camera noted several persons sitting around a table and a TV was on.



1355 The female Islander previously observed arrived in her grey Toyota and entered UNIT 2.



1400 An older male arrived in a white Nissan Leaf reg number 1GVC 306. The same male had previously been observed at the facility driving an older white Volvo. He exited his vehicle and again carried bags into UNIT 2.



1434 The bearded male observed arriving earlier departed in a grey BMW sedan.



1557 The white Nissan Leaf was still present.



1621 More staff were observed departing from UNIT 2

1717 The male observed earlier departed in the white Nissan Leaf after placing three bags into the rear of the vehicle.



1718 The male believed to be the facility manager exited UNIT 2 and departed in his dark blue/black Mercedes.



1800 No further activity observed. Surveillance ceased by both operatives at both locations. The main gate at 30 Oxleigh remained open.



COMMENT AND RECOMMENDATION

The Element Zero facility at UNIT 2, 30 Oxleigh Drive, Malaga appears to be in full operation and a number of employees/staff have been observed attending and departing the facility and the offices at UNIT 1, 19 Oxleigh Drive.

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

A handwritten signature in black ink, consisting of a large, stylized loop followed by a long, sweeping horizontal stroke that extends to the right.

ROBERT LANCASTER

DIRECTOR



For the use of client legal advisers - Privileged

1 May 2024

Darren Perry
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NSW 2000

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Adrian Huber
adrian.huber@fortescue.com

Phil McKeiver
phil.mckeiver@fortescue.com

Dear Darren,

YOUR REF: TBA
REF: MICHAEL MASTERMAN
OUR REF: 24.422.25

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 Michael MASTERMAN was placed under a period of surveillance

On Tuesday 30 April 2024 the subject arrived at and entered his residence early in the morning. Later he attended two cafes and checked his mobile phone. Later the subject departed his residence and caught an Uber to Perth Airport carrying an overnight bag and two satchel like bags and is believed to have caught a plane to Port Hedland.

SURVEILLANCE REPORT

SUBJECT: MICHAEL GEORGE MASTERMAN



DATE OF BIRTH 07/01/1963

ADDRESS:



VEHICLES: TBC

TUESDAY 30 April 2024

0555 Operative AS commenced surveillance in the vicinity of [REDACTED]. The Red 2003 Daewoo Kalos 1BOS 259 was parked in driveway exterior to wooden gate facing outwards.



0604 Operative AS drove by the back entrance of the property on [REDACTED]. Bin day in the suburb, bins for [REDACTED] remain against the fence. A Green Saab registration 1BYO 936 was parked on the right hand side of the verge on [REDACTED]. No lights on property either front or back.



0627 The subject MASTERMAN arrived at his residence [REDACTED] in an Uber wearing a green jumper, shirt, chino pants and RM Williams boots. It appears he was wearing the same clothing as the previous day. The subject exited the vehicle carrying a satchel like bag, possibly a large laptop bag, a jacket and retrieved an overnight case from the vehicle. He entered his residence from view.



0631 The subject exited [REDACTED] on foot and proceeded south towards Grant Street. He then walked south along Marine Parade and entered the 'Little Sup' Coffee shop. The subject purchased 2 coffees, then sat at a table and looked at his phone. He sat alone and waved at a group of local men however he did not engage and converse with anyone.



0702 The subject finished both coffees and exited 'Little Sup' and walked east on Eric Street to 'Eric Street Shopping Centre' and made a purchase inside. He then entered and sat at another Café inside alone. Several minutes later the subject exited the centre by the carpark and walked back to residence. The subject walked at a fast pace.



- 0735 The subject arrived back at his residence. Several minutes later the subject exited his residence and delivered a pair of work type boots to a neighbour at 1 Vera View Parade. He then returned to his residence.
- 0755 The subject exited his residence and was picked up by an Uber and it was noted he was carrying an overnight case and two satchel like bags. The Uber White Hyundai Accent 1ETN 502 was followed in peak hour through Subiaco, Graham Farmer Freeway and onto Tonkin Highway to Perth Airport Terminal 1.



0837 The Uber arrived at Terminal 1, Perth Airport. The subject exited the Uber at speed and ran into the departure area carrying his overnight case and two bags. Operatives parked their vehicles and entered the airport.





0845 Operative AS joined Operative JS in the boarding lounge and the subject was not observed. Both operatives checked all departure flights. A Flight to Port Hedland WA had just closed - Virgin VA 1841 Port Hedland WA leaving at 09.00 arriving at 11.10.

Departures		Terminal 1 Domestic			08:45	
FLIGHT	DESTINATION	TIME	EST	REMARKS	GATE	
QR 8522	Melbourne	06:00	05:58	Departed	44	1-2 min
EY 6351	Port Hedland	09:00	09:00	Final Call	43	2 min
QR 8502	Melbourne	10:20	10:20		45	
QR 7117	Brisbane	10:35	10:35		46	1 min
EY 6471	Karratha	11:05	11:05		43	2 min
SQ 6879	Sydney	11:15	11:15		47B	1 min
EY 6487	Broome	11:20	11:20		44	1-2 min
QR 7194	Melbourne	12:20	12:20		46	1 min
EY 6574	Kalgoorlie Boulder	13:00	13:00		45	
HA 4042	Sydney	13:15	13:15		43	2 min
EY 6442	Adelaide	13:20	16:20	Delayed	44	1-2 min

Please do not leave baggage unattended

Perth Airport



1115 The next boarding flights were checked and a search of the airport and departure lounges failed to locate the subject. Next flights being 10.20 Qantas to Melbourne and 11.15 Virgin to Sydney. The subject was not observed and is believed to have caught the Port Hedland Flight. Ceased surveillance at the airport and redeployed.

COMMENT AND RECOMMENDATION

The subject was observed to enter his residence in the morning after apparently spending the night elsewhere (probably the Como the Treasury Hotel) confirming he is still resident at or using his residence at this time. (relevant to the search orders)

The subject appeared to have caught a plane to Port Hedland. We note the subject has mentioned in a recent interview Element Zero is going to build their main facility in Port Hedland.

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

2 May 2024

Darren Perry
Partner
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1 Farrer Place
NSW 2000

CC
Adrian Huber
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Phil McKeiver
phil.mckeiver@fortescue.com

Dear Darren,

YOUR REF: TBA
REF: BARTLOMIEJ PIOTR KOLODZIEJCZYK
OUR REF: 24.422.30

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 Wednesday 1 May 2024 the subject and his wife and child were observed at their residence. The subject was observed to attend local shops and purchase items and later attend a hair dressing salon and have a haircut.

SURVEILLANCE REPORT

SUBJECT: **BARTLOMIEJ PIOTR KOLODZIEJCZYK**



DATE OF BIRTH **03/05/1985**

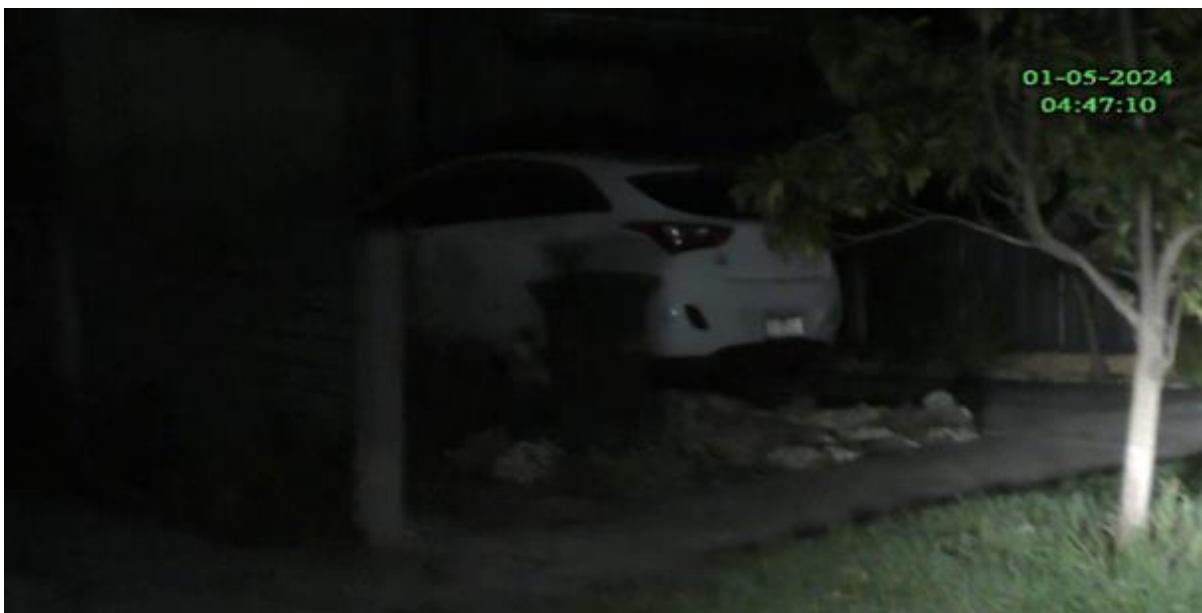
ADDRESS: **5A Volga Street, Hadfield, Vic 3046**

WIFE **RANTHINI MANIRAJAN**

VEHICLES: **White Hyundai I30 hatchback registration 1IF-5EQ**

Wednesday 1st May 2024

0500 Operative CRS arrived in the vicinity of 5A Volga Street, Hadfield, Victoria 3046. On arrival the residence was in darkness with no observable lights on at the property. Parked on the driveway in front of garage was the subject's white Hyundai I30 hatchback registration 1IF-5EQ.



0600 Operative TOD arrived in the vicinity and joined Operative CRS.

0918 The subject's wife and child exited the residence, and the wife assisted the child into the vehicle and then departed. Surveillance maintained on the residence.



1216 The subject exited the residence and departs on foot. The subject was wearing dark grey pants, brown shoes and a blue jacket and held what appeared to be a folded up recycled shopping bag. The subject was followed to nearby shops on West Street.





1229 The subject exited the shops at West Street carrying a bag of items and walked back to his residence at a fast pace. He entered the residence and moved from view.



1231 The subject exited his residence and walked to Middle Street at a fast pace and was followed.



1233 The subject entered 'Nancy's Hair Studio' at 102 Middle Street, Hadfield.



1234 The subject exited the studio a minute later and walked back to his residence.



1300 Operatives AKA and GRK arrived, and Operatives CRS and TOD departed.

1527 The subject exited his residence and walked towards Middle Street at a fast pace and was followed.





1530 The subject returned to and entered Nancy's Hair Studio and moved from view.

1605 The subject exited from Nancy's Hair Studio with a haircut, and his hair was now cut short.





1609 The subject returned to and entered his residence from view.

1748 The Hyundai returned and parked on the driveway. The subject's wife and child exited the vehicle and entered the residence from view.



2000 No further movement. Lights were on inside the residence. Ceased surveillance.

COMMENT AND RECOMMENDATION

The subject was active during the surveillance period and continues to reside at the given address with his wife and child.

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

A handwritten signature in black ink, consisting of a large, stylized loop followed by a long, sweeping horizontal stroke that tapers to a point.

ROBERT LANCASTER
DIRECTOR



For the use of client legal advisers - Privileged

2 May 2024

Darren Perry
Partner
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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: 24.422.29

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 1 May 2024 the subject and his wife attended two shopping centres and purchased grocery items and returned to their residence where they remained.

SURVEILLANCE REPORT

SUBJECT POI 3: BJORN WINTHER-JENSEN



DATE OF BIRTH 09/04/1960

ADDRESS: UNIT 4, 213 GILDERCLIFFE STREET
SCARBOROUGHWA6019

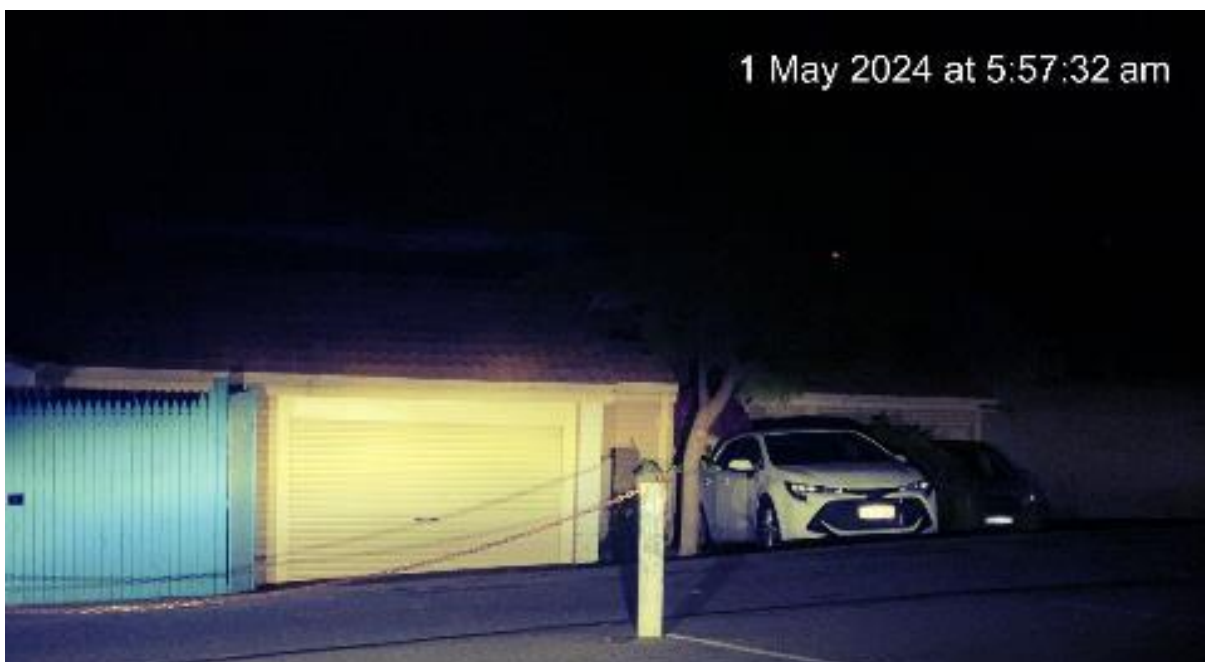
WIFE ORAWAN WINTHER-JENSEN

CHILDREN ONE FEMALE AGED APPROX 16
POSSIBLE DAUGHTER

VEHICLES: White Toyota Corolla Registration 1HID-902

WEDNESDAY 1 MAY 2024

0555 Operative JS commenced observations in vicinity Unit 4/ 213 Gildercliffe Scarborough. The Toyota Corolla (1HID-902) was parked beside the residence.



1003 The subject and his wife exited the residence and departed in their Toyota. The subject's wife drove the vehicle and the vehicle was followed.

The subject's wife parked the vehicle in a carpark at the 'Innaloo Megacentre' shopping centre, 29 Ellen Stirling Blvd, Innaloo.

The subject and his wife exited their vehicle and walked to the centre and held hands and wandered around the centre and entered several shops. It was noted both the subject, and his wife wore face masks. The subject was observed to purchase fruit and other groceries at several of the stores.

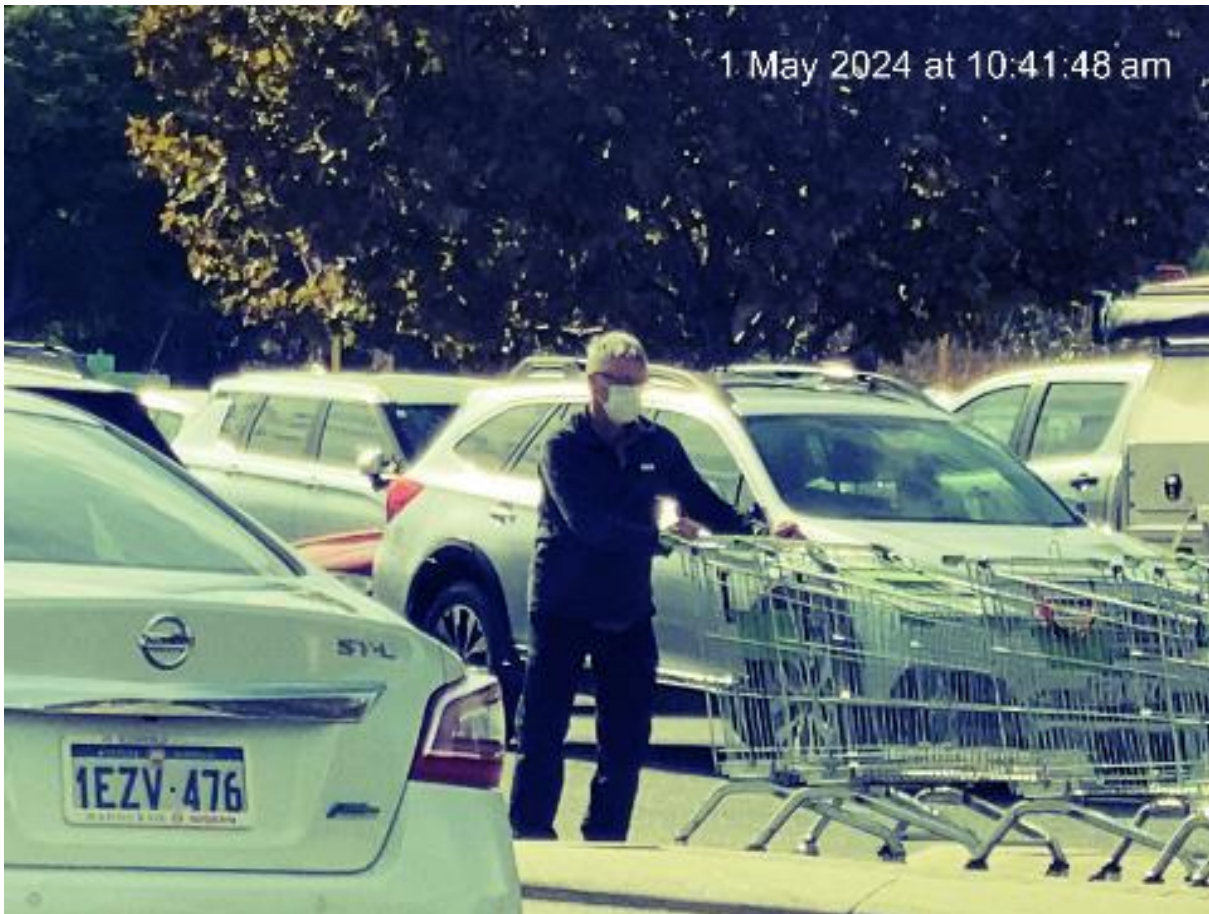




1039 The subject and his wife exited the centre and walked back to their vehicle pushing a shopping trolley with bags of groceries. After loading the bags of shopping into his vehicle the subject returned the trolley to the trolley stand and then both walked across the road and entered the 'Westfields Innaloo' shopping centre.

The subject and his wife walked around the shopping centre and purchased other groceries and then returned to their vehicle carrying a bag of groceries and loaded the bag in the vehicle and then departed and were followed back to their residence where the subject's wife parked their vehicle outside their residence.

The subject's wife exited the vehicle and entered the residence from view. The subject unloaded the bag of shopping and carried the bags inside his residence from view.





2000 No further activity. Lights were on inside the residence. Ceased surveillance.



COMMENT AND RECOMMENDATION

The subject was active during the surveillance period. It is noted the young Asian female has not been observed at the residence for several days.

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**



For the use of client legal advisers - Privileged

2 May 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: 24.422.28

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, and the offices at UNIT 1, 19 Oxleigh Drive Malaga, WA were placed under a period of surveillance.

On Wednesday 1 May 2024 extensive activity was observed at both locations and numerous employees/staff were identified and both locations appear to be operating at this time. It appeared a staff meeting or training was carried out at UNIT 1 during the day as staff members from UNIT 2 attended the offices carrying folders.

SURVEILLANCE REPORT

LOCATION:

ELEMENT ZERO

Industrial Unit 2, 30 Oxleigh Drive, Malaga, WA.



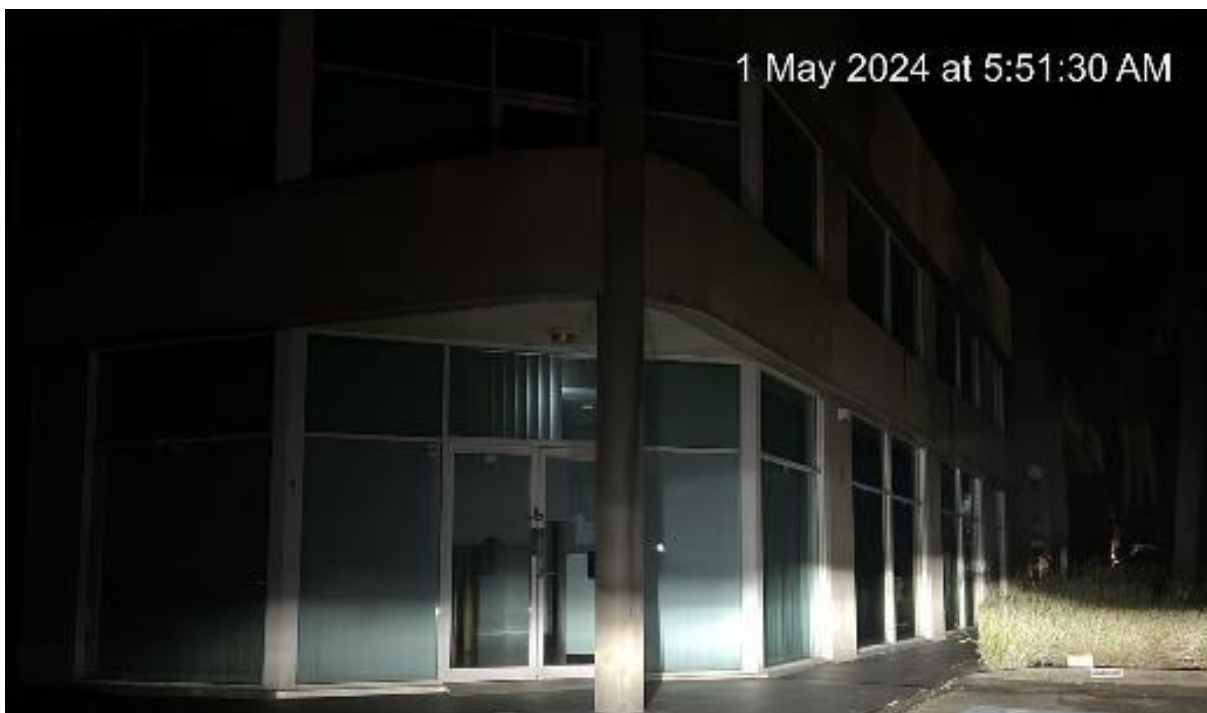
SECONDARY ADDRESS:

Office building 19 Oxleigh Drive Malaga, WA



WEDNESDAY 1 MAY 2024

0554 Two Operatives AS and MP commenced surveillance in the vicinity of UNIT 1, 19 Oxleigh Drive Malaga, and UNIT 2, 30 Oxleigh Drive, Malaga, WA. On arrival UNIT 1 was in a closed state. At 30 Oxleigh Drive lights were on in the carpark and vehicles previously observed; White Audi 1GPX 208, Black Mazda 1HZP 794, Grey Honda were already in the carpark. The second Roller door of UNIT 2 was up.



0623 A Mazda 1HHX 560 arrived at 30 Oxleigh Drive, and other previously observed staff vehicles arrived in the carpark over the next 2 hours.



0643 A Grey BMW 1HTM 783, arrived and an Asian male exited the vehicle and entered UNIT 2



0739 A grey Ford Ranger 1HVV 949 arrived and a male in a HiVis shirt exited the vehicle and entered UNIT 2.



0753 A white Hilux Ute arrived and a male driver wearing a HiVis jacket exited the vehicle and entered UNIT 2.



0802 Two staff pulled out the UNIT 2 otto bins and then returned to UNIT 2.



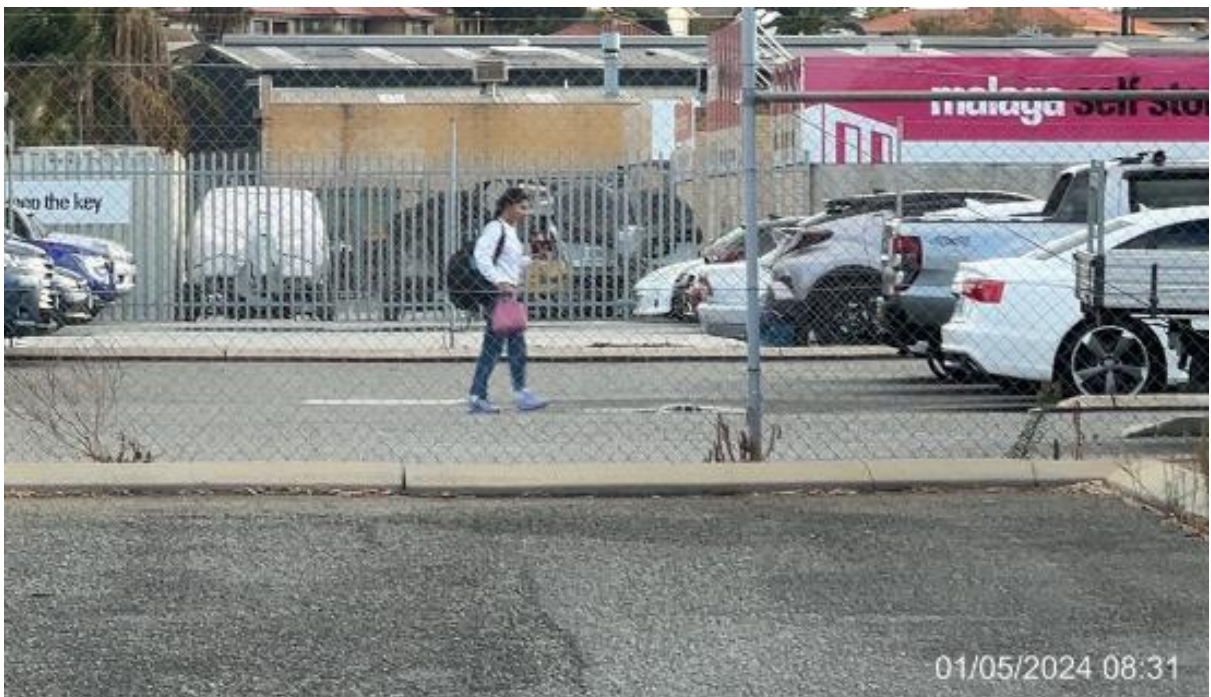
0817 A Kia 1HFD 567 arrived and a young male driver exited the vehicle and entered UNIT 2



0758 A grey Toyota Hilux Ute 1CWC 458 arrived and a grey-haired male wearing a HiVis shirt and carrying a backpack exited the vehicle and entered UNIT 2.

0815 A white Toyota Hilux Ute 1GPD 502 arrived and parked near UNIT 2

0831 The previously observed grey Rav4 arrived, and an Indian female exited the vehicle and entered UNIT 2 carrying a backpack and handbag.



0843 The dark blue/black Mercedes arrived and the previously observed male, believed to be the facility manager exited the vehicle and entered UNIT 2.



0844 A gold Subaru WRX 1DJL 182 arrived. An Asian male exited the vehicle and entered UNIT 2.



- 0948 The white Hilux driver walked to his vehicle and retrieved what appeared to be a stack of white buckets or a white drum.



- 0955 Operative AS departed 30 Oxleigh Drive and drove to Perth Airport, Horrie Millar Drive, Terminal 1. Two flights from Port Hedland were due to arrive and operative deployed to follow MASTERMAN in the event of his return to Perth. VA1878 at 11.20 and VA 1842 at 14.15 were scheduled to arrive. Operative MP redeployed to cover UNIT 2 activity at 30 Oxleigh Drive Malaga WA. On arrival at the airport, it was noted that the 11.20 Port Hedland flight was delayed.

Arrivals		Terminal 1 Domestic			10:28	
FLIGHT	ORIGIN	TIME	DUE	REMARKS	GATE	
VA 1852	Kalgoorlie Boulder	10:00	10:05	Landed	44	
VA 551	Sydney	10:30	10:28	On-time	43	
VA 1878	Newman	10:35	10:55	Delayed	45	
VA 1840	Port Hedland	11:20	11:39	Delayed	47B	
VA 679	Melbourne	11:40	12:09	Delayed	44	
VA 1724	Karratha	11:45	11:32	On-time	46	
VA 555	Sydney	12:30	11:58	Early	43	
VA 462	Brisbane	12:55	12:35	Early	45	
VA 1482	Broome	13:15	13:15	On-time	47B	
VA 1842	Port Hedland	14:15	14:15	On-time	44	
VA 717	Adelaide	14:15	14:26	On-time	46	

Please do not leave baggage unattended

Perth Airport

1040 A blonde haired female exited UNIT 2 and walked to a mailbox and collected the mail and then returned to UNIT 2.



1057 Two male and two female staff exited UNIT 2 and walked to UNIT 1, 19 Oxleigh Drive. It was noted all staff members carried black folders other than a young male who carried a backpack (which could have contained his folder)





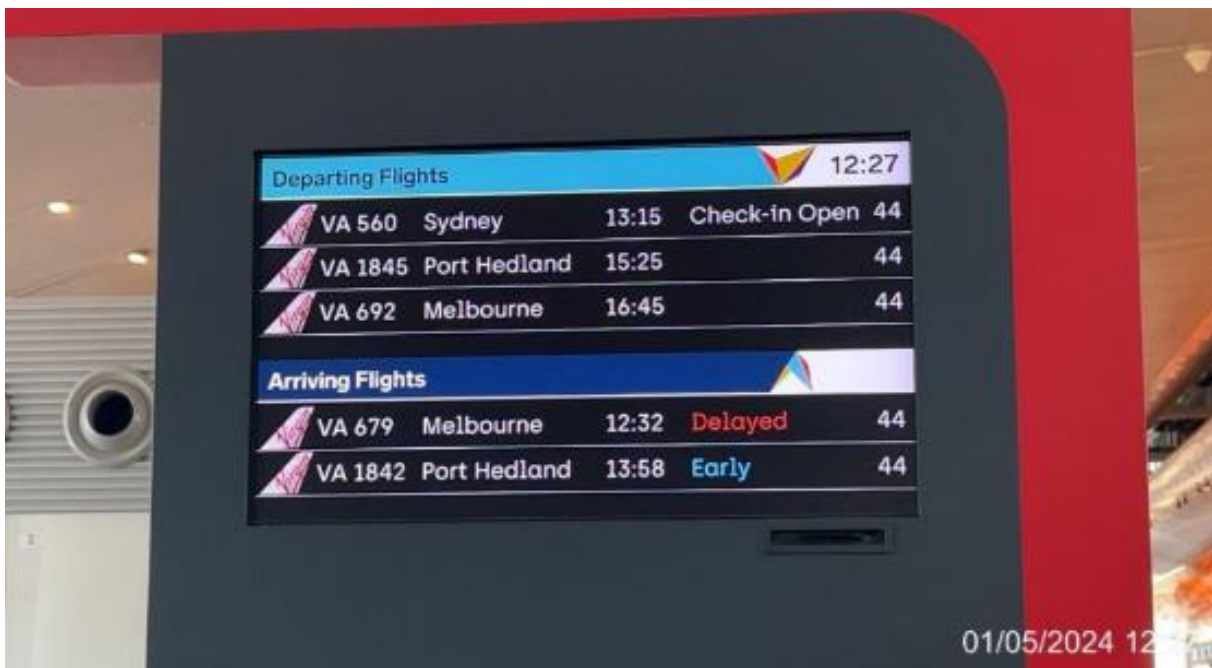
- 1153 Operative in place to observe the Port Hedland flight arrival gate. Operative waits for final passenger. Australian Federal Police board the airplane and remove final passenger. No sighting of MASTERMAN on this flight.



- 1203 Three males and one female staff members exited UNIT 1, 19 Oxleigh Drive and walked to UNIT 2, 30 Oxleigh Drive. Two carried black folders. The young male had a backpack and the third male did not appear to be carrying anything.



1227 It was noted the next Port Hedland flight VA 1842 was due to arrive early.



1425 Operative monitored the flight arrival at Gate 44 for VA 1842. MASTERMAN was not on the flight. Operative waits for final passengers which are the pilots.



1430 Operative AS returned to Oxleigh Drive. No activity of note is observed.

1430 Staff vehicles start to depart from 30 Oxleigh Drive.

1600 Staff vehicles continued to depart from 30 Oxleigh Drive.





1748 A Motorbike rider was the last to leave UNIT 2 which was now closed with the roller door shut. Several other vehicles remained in the carpark, and all appear to be associated with the church at Unit 1.



1800 No further movement associated with UNIT 2. UNIT 1 was closed and in darkness. Operatives cease surveillance.



COMMENT AND RECOMMENDATION

The Element Zero facility at UNIT 2, 30 Oxleigh Drive, Malaga appears to be in full operation and a number of employees/staff have been observed attending and departing the facility and the offices at UNIT 1, 19 Oxleigh Drive. It was noted a meeting or staff training occurred at UNIT 1 during the day with staff from UNIT 2 attending UNIT 1 with folders.

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

A handwritten signature in black ink, appearing to be "R. Lancaster", written over a light blue grid background.

ROBERT LANCASTER
DIRECTOR



Lancasters
Investigations

For the use of client legal advisers - Privileged

3 May 2024

Darren Perry
Partner
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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: 24.422.32

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 Thursday 2 May 2024 the subject's wife and child were observed at their residence. The subject was not observed; however, it was noted a blind was moved during the surveillance period while the wife was absent from the residence indicating the subject (or another person) was at the residence.

SURVEILLANCE REPORT

SUBJECT: **BARTLOMIEJ PIOTR KOLODZIEJCZYK**



DATE OF BIRTH **03/05/1985**

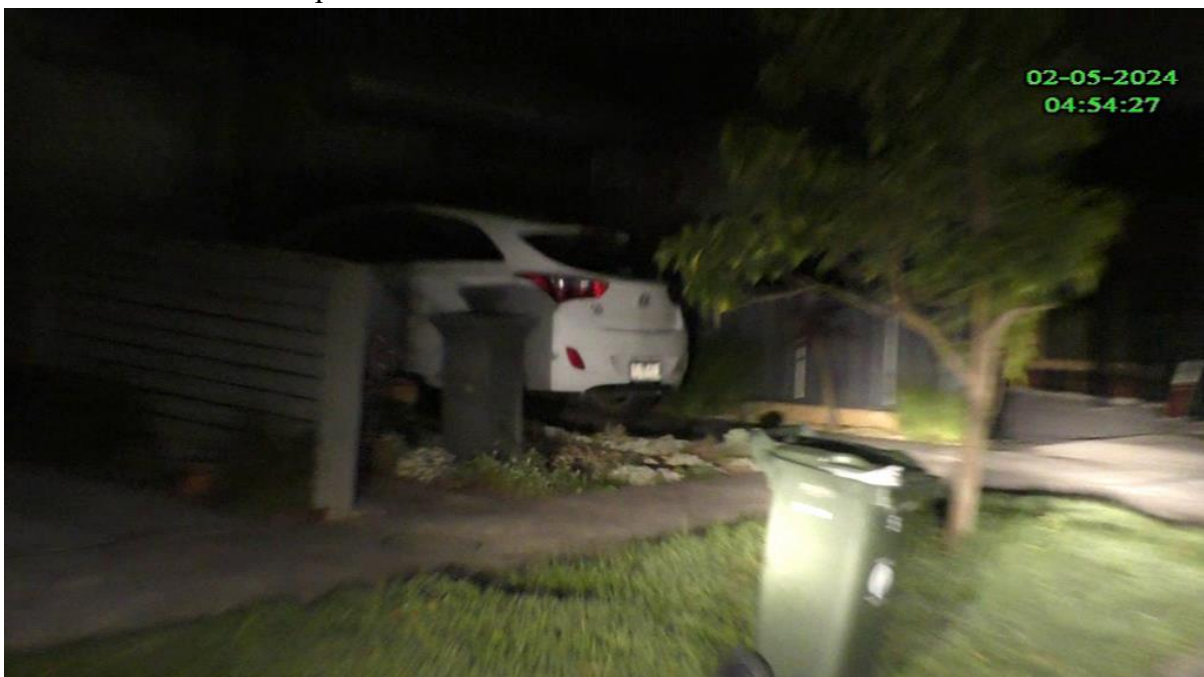
ADDRESS: **5A Volga Street, Hadfield, Vic 3046**

WIFE **RANTHINI MANIRAJAN**

VEHICLES: **White Hyundai I30 hatchback registration 1IF-5EQ**

Wednesday 1st May 2024

0454 Operative CRS arrived in the vicinity of 5A Volga Street, Hadfield, Victoria 3046. On arrival the residence was in darkness with no observable lights on at the property. Parked on the driveway in front of garage was the subject's white Hyundai I30 hatchback registration 1IF-5EQ. Otto bins had been placed out in front of the residence on the nature strip.



0600 Operative TOD arrived in the vicinity and joined Operative CRS.

0909 The subject's wife and daughter exited the residence. The subject's wife secured the child in the vehicle and then pulled in the green waste otto bin and then entered the Hyundai I30 hatchback and departed. Surveillance maintained on the residence.





- 1131 A drive past revealed a window blind on the second floor had been moved and was now partially open indicating the subject (or another person) was inside the residence.
- 1300 Operative GRK arrived and Operative TOD Departed. Surveillance continued by operative's CRS and GRK.
- 1321 A male arrived in a yellow MG sedan registration CCB 668. The male exited the vehicle and delivered a parcel by leaving it on the front porch and then he departed.





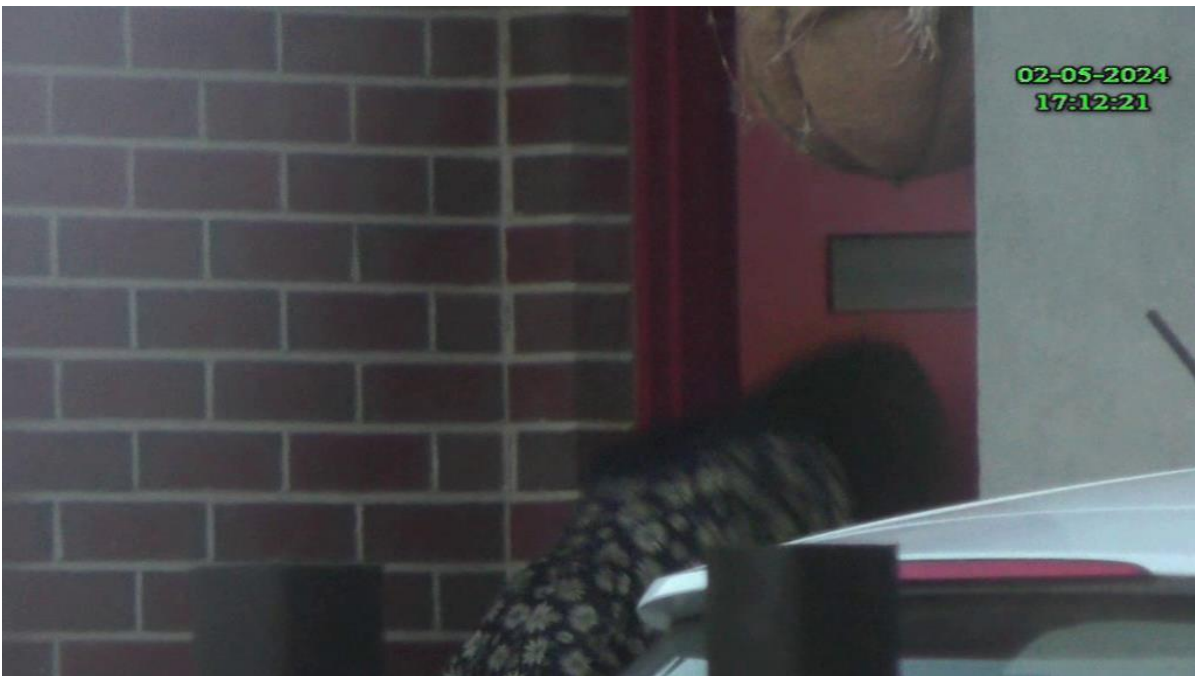
1414 A drive past revealed that the parcel was still on the front porch.



1710 The subject's wife and child returned to the residence in the white Hyundai.



1712 The subject's wife collected the parcel from the front porch and entered the residence with her daughter.



2000 No further activity. Lights were inside the residence. Ceased surveillance.

COMMENT AND RECOMMENDATION

The subject was not observed 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

A handwritten signature in black ink, consisting of a large, stylized loop followed by a long, sweeping horizontal stroke that tapers to a point.

ROBERT LANCASTER
DIRECTOR



For the use of client legal advisers - Privileged

3 May 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: 24.422.33

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 Thursday 2 May 2024 the subject was observed to walk to and attend a local gym before he returned to his residence where he remained.

SURVEILLANCE REPORT

SUBJECT POI 3: BJORN WINTHER-JENSEN



DATE OF BIRTH 09/04/1960

ADDRESS: UNIT 4, 213 GILDERCLIFFE STREET
SCARBOROUGHWA6019

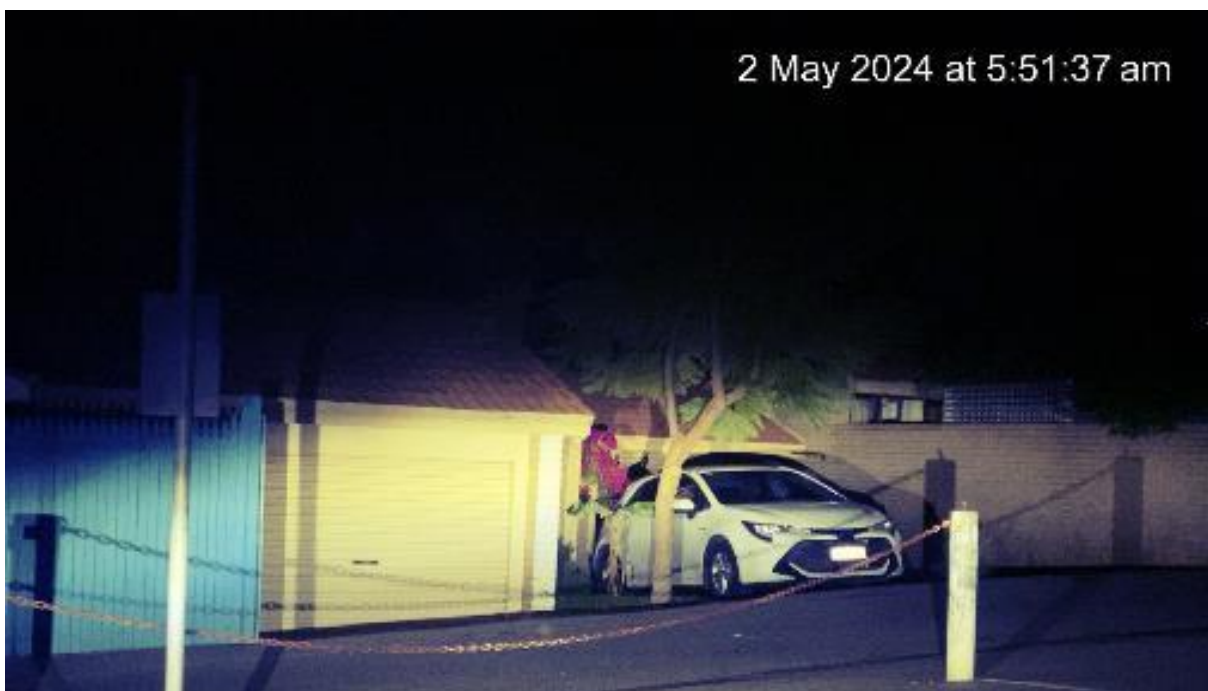
WIFE ORAWAN WINTHER-JENSEN

CHILDREN ONE FEMALE AGED APPROX 16
POSSIBLE DAUGHTER

VEHICLES: White Toyota Corolla Registration 1HID-902

THURSDAY 1 MAY 2024

0550 Operative MP and JS commenced surveillance in vicinity Unit 4/ 213 Gildercliffe Scarborough. The Toyota Corolla (1HID-902) was parked beside the residence.



- 0940 Operative JS redeployed to assist in any follows from Perth airport.
- 1240 Operative JS arrived back in the vicinity of the subject's residence and joined Operative MP
- 1418 The subject exited the residence and was dressed in sports attire of a black T-shirt, shorts, trainers and carried a towel. The subject departed on foot and was followed.
- 1422 The subject entered the nearby 'Stirling Leisure Centre Gym' located at Building 2, 173 Gildercliffe Street, Scarborough, and moved from view.





1519 The subject departed the gym and walked back towards his residence.



1523 The subject returned to and entered his residence from view.



2000 No further movement detected. Lights were on inside the residence. Ceased surveillance.



COMMENT AND RECOMMENDATION

The subject was active during the surveillance period and attended a local gym. It is noted the young Asian female has still not been observed 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

A handwritten signature in black ink, appearing to be 'R. Lancaster', with a long, sweeping horizontal stroke extending to the right.

ROBERT LANCASTER
DIRECTOR



For the use of client legal advisers - Privileged

3 May 2024

Darren Perry
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1 Farrer Place
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Adrian Huber
adrian.huber@fortescue.com

Phil McKeiver
phil.mckeiver@fortescue.com

Dear Darren,

YOUR REF: TBA
REF: ELEMENT ZERO FACILITY
OUR REF: 24.422.31

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, and the offices at UNIT 1, 19 Oxleigh Drive Malaga, WA were placed under a period of surveillance.

On Thursday 2 May 2024 activity was observed at both locations and numerous employees/staff were identified attending UNIT 2, 30 Oxleigh Drive. In the afternoon two females departed UNIT 2, 30 Oxleigh Drive and attended UNIT 1, 19 Oxleigh Drive and remained at the offices for an hour. It appears to offices are opened when required and are not open during normal offices hours but are used sporadically.

A check was also carried out to ascertain if Masterman was returning from Port Hedland however Masterman has not been observed to return to Perth at this time.

SURVEILLANCE REPORT

LOCATION:

ELEMENT ZERO

Industrial Unit 2, 30 Oxleigh Drive, Malaga, WA.



SECONDARY ADDRESS:

Office building 19 Oxleigh Drive Malaga, WA



THURSDAY 2 MAY 2024

0554 Two Operatives BC and CE commenced surveillance in the vicinity of UNIT 1, 19 Oxleigh Drive Malaga, and UNIT 2, 30 Oxleigh Drive, Malaga, WA. On arrival UNIT 1, 19 Oxleigh Drive was in a closed state. At 30 Oxleigh Drive lights were on in the carpark and vehicles previously observed associated with the church at unit 1 were parked in the carpark. The vehicle associated with UNIT 2, 30 Oxleigh Drive; a grey Honda was already parked near the facility.



0632 UNIT 1, 19 Oxleigh Drive remained closed with one internal security light illuminated. No persons had entered the offices and no vehicles were parked at UNIT 1.



0800 Over the next hour previously observed staff members arrived in cars already observed over the previous days of surveillance including a male believed to be the facility manager who drives the dark blue/black Mercedes. Several of the staff attend carrying backpacks.



- 1006 More staff continued to arrive at UNIT 2 and it was noted one of the staff, a young Caucasian male previously observed, arrived in his vehicle and was observed to remove what appeared to be some metal plates from his vehicle and carry them into UNIT 2.



- 1015 UNIT 1, 19 Oxleigh Drive remained closed with one internal light on. No persons had entered the offices, and no vehicles were parked at UNIT 1.
- 1024 Operative AS arrived at Perth Airport. Flight scheduled from Port Hedland to Perth VA 1840 was due at 11.20. Operative JS arrived in the vicinity of the Airport to assist in the event of a follow.



Flight VA1840 due at 11.29. Eventually is delayed until 11.47.

Arrivals		Terminal 1 Domestic			10:35	
FLIGHT	ORIGIN	TIME	DUE	REMARKS	GATE	
VA 1852	Kalgoorlie Boulder	10:00	10:21	Landed	45	
VA 551	Sydney	10:30	10:12	Landed	43	
VA 1878	Newman	10:35	10:38	On-time	48B	
VA 1840	Port Hedland	11:20	11:29	On-time	7	
VA 679	Melbourne	11:40	11:25	On-time	44	
VA 1724	Karratha	11:45	11:44	On-time	49A	
VA 555	Sydney	12:30	12:18	On-time	43	
VA 462	Brisbane	12:55	12:33	Early	45	
VA 1482	Broome	13:15	13:15	On-time	46	
VA 717	Adelaide	14:15	14:25	On-time	43	
VA 683	Melbourne	14:40	14:40	On-time	45	

Please do not leave baggage unattended

Perth Airport

02/05/2024 10:35

1155 Passengers had arrived and MASTERMAN was not on the flight. Operative awaits until final passengers and Pilots come through. Operatives redeployed.



1243 Operative AS arrived to assist Operatives CE and BC in follows from the facility.

1429 Two female staff members depart UNIT 2 and walked too and entered the offices at UNIT 1, 19 Oxleigh Drive by using the keypad security lock. They both carried folders and other items in their hands.



1532 Both females exited the offices at UNIT 1 and walked back to UNIT 2



1551 A grey haired male appeared on the second-floor balcony 19 Oxleigh Drive, above UNIT 1. It is believed that this person is not associated with Element Zero and works for another company with offices in the building.



1600 Operative CE departed location. AS maintained surveillance.

1610 The young male observed earlier departed in the white Kia Cerato.





1640 It is noted there are now only four vehicles left at 30 Oxleigh Drive that are associated with UNIT 2.



1707 The male believed to be the facility manager departed in his Mercedes.



1731 An Asian male exited UNIT 2 and entered a gold WRX Impreza, and departed. The vehicle was followed to ascertain his residential address and attempt to confirm his identity. Surveillance also maintained on UNIT 2.



1741 The vehicle arrived and parked at [REDACTED]. The Asian male drove into the garage and closed it behind him.



1742 A Toyota Yaris is the last vehicle to leave the carpark at 30 Oxleigh Drive. No other vehicles associated with UNIT 2 remain.



1800 No further activity. The Left side main gate is open. The Yaris driver did not close gate. Ceased surveillance.



1803 A close check of UNIT 2 revealed the Roller shutters at UNIT 2 are down and all doors closed and locked. Operatives ceased surveillance.



FURTHER INVESTIGATION

WA LTO – CERTIFICATE OF TITLE

We ordered the Certificate of Title to [REDACTED] to attempt ascertain the identity of the Element Zero staff member.

WAITING ON TITLE SEARCH

COMMENT AND RECOMMENDATION

The Element Zero facility at UNIT 2, 30 Oxleigh Drive, Malaga appears to be in operation and a number of employees/staff have been observed attending and departing the facility and the offices at UNIT 1, 19 Oxleigh Drive. It appears the offices are utilised sporadically and are not manned daily during normal office hours.

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

4 May 2024

Darren Perry
Partner
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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: 24.422.36

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 3 May 2024 the subject was observed taking his child to a Child Day-care Centre and later checking mail he retrieved from the mailbox at his residence.

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 3 May 2024

0448 Operative CRS arrived in the vicinity of 5A Volga Street, Hadfield, Victoria 3046. On arrival the residence was in darkness with no observable lights on at the property. Parked on the driveway in front of garage was the subject's white Hyundai I30 hatchback registration 1IF-5EQ.



0600 Operative GRK arrived in the vicinity and joined Operative CRS.

0843 The subject exited the residence, wearing a green jacket. He assisted his child into the rear of the vehicle and then departed in the Hyundai and was followed.





0853 The vehicle arrived and parked at the 'Pelican Childcare' Centre, 1A Woiwuring Crecent, Coburg. The subject assisted his child from the vehicle and entered the centre with the child.

0908 The subject returned to his vehicle alone and then departed and was followed.

0920 The subject returned to his residence and parked in the driveway and entered the residence from view.



1102 The subject's wife exited the residence and entered the Hyundai I30 and departed in the vehicle. Surveillance maintained on the subject's residence.

1300 Operative AKA arrived and Operative GRK departed. Surveillance maintained by Operatives CRS and AKA.

1502 The subject exited the residence and walked to the mailbox and retrieved a letter. He opened the letter and perused the contents and then walked back inside the residence from view.



1339 The subject's wife returned in the Hyundai I30 and parked on the driveway then exited the vehicle and entered the residence from view.

1552 The subject's wife exited the residence and entered the Hyundai I30 alone and departed. Surveillance maintained on the residence.



1804 The subject's wife arrived back at the residence in the Hyundai and assisted the child from the rear of the vehicle and then both entered the residence from view.

1911 A walk by was conducted and revealed internal lights on in the ground level rooms and no activity observed.

2000 No further activity observed. Ceased surveillance.

COMMENT AND RECOMMENDATION

The subject was active during the surveillance period.

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

A handwritten signature in black ink, appearing to be "R. Lancaster", written over a light blue grid background.

ROBERT LANCASTER
DIRECTOR



For the use of client legal advisers - Privileged

4 May 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: 24.422.34

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 3 May 2024 the subject was observed to exit his residence and drive his Toyota Corolla to Floreat Beach accompanied by his wife. The subject and his wife purchased and consumed a meal at a café/Kiosk and then returned to their residence where they remained.

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 2 MAY 2024

0559 Operative JS and MP commenced surveillance in vicinity Unit 4/ 213 Gildercliffe Scarborough. The Toyota Corolla (1HID-902) was parked beside the residence.



- 1152 The subject and his wife exited the residence and entered their Toyota. The subject drove the vehicle from the area and was followed. (Note on all previous occasions the subject's wife has driven the vehicle)



- 1203 The subject drove to and parked in a public car park located at Floreat Beach. The subject and his wife exited the vehicle and walked to a café/kiosk and sat down at a table. The subject then walked to the kiosk counter and ordered food and drinks. Both sat at the table and had a conversation and consumed their food and hot tea/coffees.





1234 The subject and his wife had finished their meal and got up and walked back to their vehicle holding hands and entered the Toyota 1HID-907 and departed the area and were followed.



1242 The subject arrived and parked outside his residence. The subject's wife exited the vehicle and entered the residence from view and the subject walked along Kulin Lane to a mailbox and checked for mail. He then entered the residence from view.





2000 No further movement detected. Lights were on inside the residence. Ceased surveillance.



COMMENT AND RECOMMENDATION

The subject was active during the surveillance period. It is noted the young Asian female has still not been observed 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

A handwritten signature in black ink, consisting of a large, stylized loop followed by a long, sweeping horizontal stroke that tapers to a point.

ROBERT LANCASTER
DIRECTOR



For the use of client legal advisers - Privileged

4 May 2024

Darren Perry
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NSW 2000

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Adrian Huber
adrian.huber@fortescue.com

Phil McKeiver
phil.mckeiver@fortescue.com

Dear Darren,

YOUR REF: TBA
REF: ELEMENT ZERO FACILITY
OUR REF: 24.422.35

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, and the offices at UNIT 1, 19 Oxleigh Drive Malaga, WA were placed under a period of surveillance.

On Friday 3 May 2024 activity was observed and employees/staff were identified attending UNIT 2, 30 Oxleigh Drive. No activity was observed at the offices of UNIT 1, 19 Oxleigh Drive.

Individuals were followed from the Element Zero facility to confirm their residential addresses and attempt to ascertain their identity.

SURVEILLANCE REPORT

LOCATION:

ELEMENT ZERO

Industrial Unit 2, 30 Oxleigh Drive, Malaga, WA.



SECONDARY ADDRESS:

Office building 19 Oxleigh Drive Malaga, WA



FRIDAY 3 MAY 2024

0550 Three Operatives RC, AH and CE arrived in three separate surveillance vehicles and commenced surveillance in the vicinity of UNIT 1, 19 Oxleigh Drive Malaga, and UNIT 2, 30 Oxleigh Drive, Malaga, WA. At 30 Oxleigh Drive lights were on in the carpark and the main gate was open. Vehicles not associated with UNIT 2 were parked in the carpark.



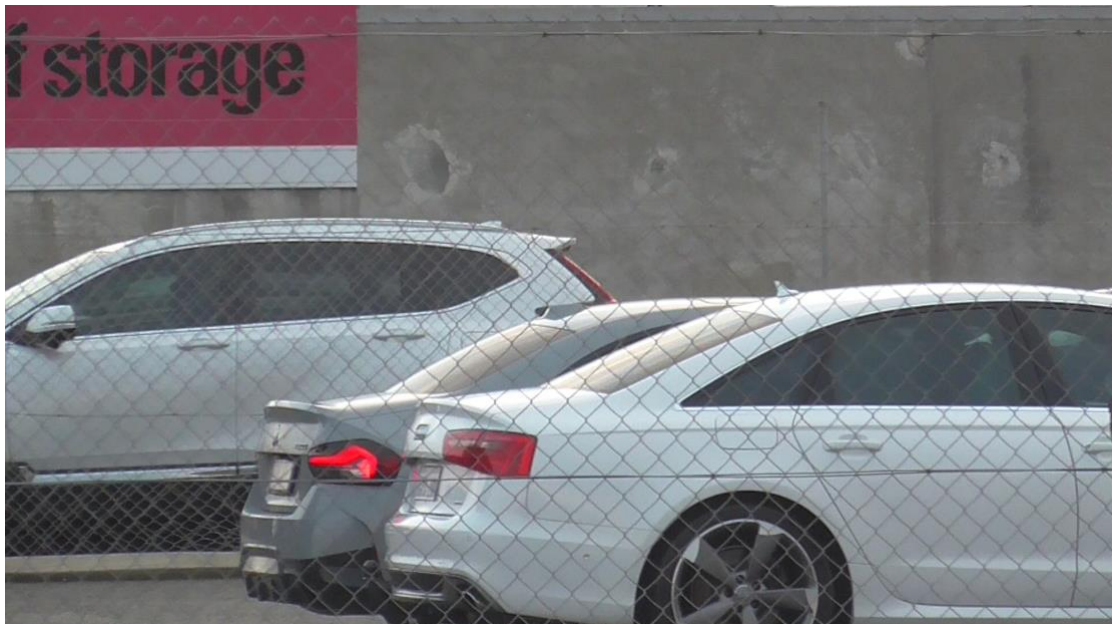
UNIT 1, 19 Oxleigh Drive was in a closed state with one internal light on.



0557 A white Audi arrived and parked near UNIT 2. A male exited the vehicle and appeared to enter UNIT 2



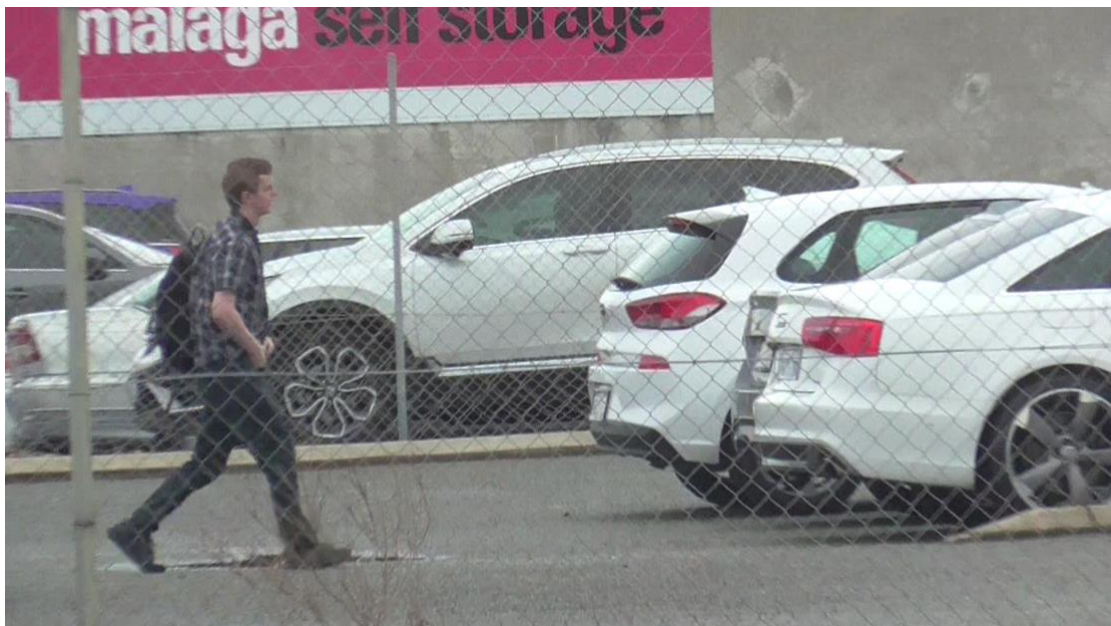
0631 Other previously observed staff members arrived in vehicles previously identified and continued to arrive over the next two and a half hours and park near UNIT 2.



It was noted many of the staff arriving carried backpacks and folders into UNIT 2.



0818 The young male arrived in the white Kia Cerato and entered UNIT 2 carrying a backpack.



1035 An older Asian male arrived in a white Mazda CX5 registration 1EEN 539. It was noted he was carrying a large bundle of papers in a ledger.



1101 The older Asian male departed alone in his white Mazda and was followed to ascertain his residential address and attempt to confirm his identity via a Title Search.



1132 The Mazda was followed to [REDACTED]. The Asian male parked on the driveway and entered through the garage where there was a blue SUV parked in the garage.



1224 At UNIT 1, 19 Oxleigh Drive, no activity was observed, and no persons had entered the offices at any time. The black vehicle parked in front of UNIT 1 had nothing to do with UNIT 1 and is associated with another business at 19 Oxleigh Drive.



1326 An older male arrived in a silver Subaru BRZ reg number 1 EKM 410. The vehicle was parked at the laneway near to the roller doors to Element Zero. The male exited the vehicle and entered UNIT 2.



1625 The silver Subaru BRZ registration 1 EKM 410 departed with the male on board alone and was followed. The vehicle was initially followed to 'Total Tools' on Beach Road. The male exited the vehicle and entered the store for 10 minutes, then returned to his vehicle and departed and was followed a short distance to an Officeworks store nearby.





1706 Male departed the Officeworks store and was followed.

1712 The vehicle arrived at and parked on the driveway of [REDACTED]. It was noted a white SUV was observed previously at Element Zero UNIT 2 was also parked at the property.



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

A handwritten signature in black ink, consisting of a large, stylized loop followed by a long, sweeping horizontal stroke that tapers to a point.

ROBERT LANCASTER
DIRECTOR



Lancasters
Investigations

For the use of client legal advisers - Privileged

5 May 2024

Darren Perry
Partner
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1 Farrer Place
NSW 2000

CC
Adrian Huber
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Phil McKeiver
phil.mckeiver@fortescue.com

Dear Darren,

YOUR REF: TBA
REF: BARTLOMIEJ PIOTR KOLODZIEJCZYK
OUR REF: 24.422.37

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 Saturday 4 May 2024 the subject travelled to Melbourne Airport carrying luggage.

As per instructions surveillance has now been terminated.

SURVEILLANCE REPORT

SUBJECT: **BARTLOMIEJ PIOTR KOLODZIEJCZYK**



DATE OF BIRTH **03/05/1985**

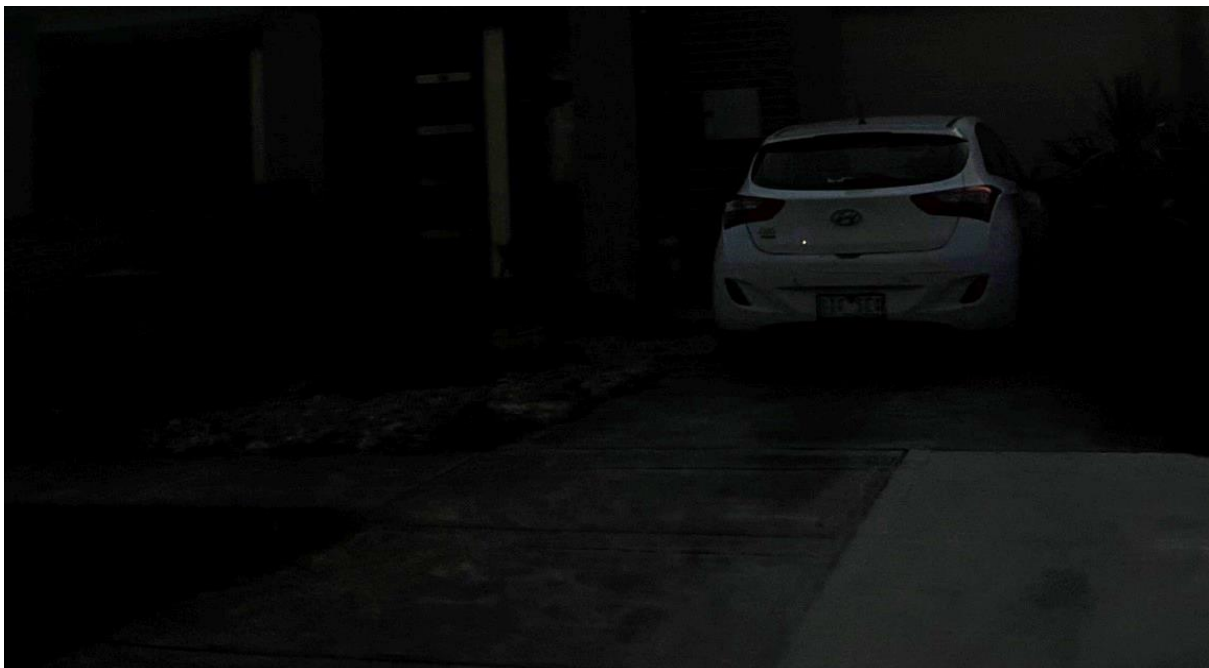
ADDRESS: **5A Volga Street, Hadfield, Vic 3046**

WIFE **RANTHINI MANIRAJAN**

VEHICLES: **White Hyundai I30 hatchback registration 1IF-5EQ**

SATURDAY 4 May 2024

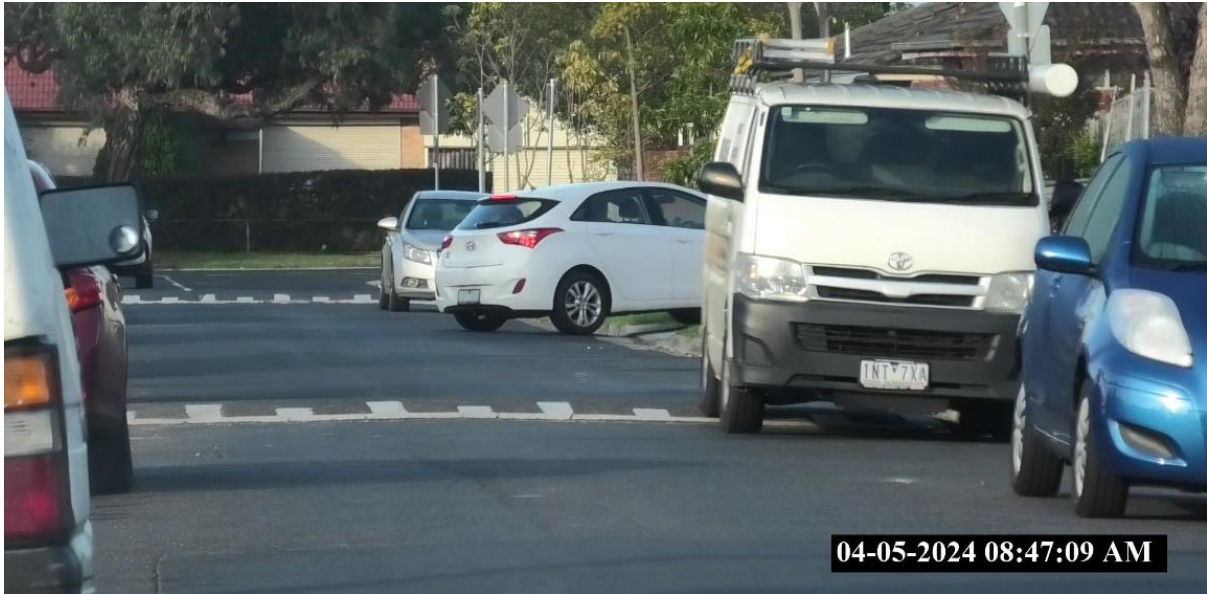
0503 Operative AKA arrived in the vicinity of 5A Volga Street, Hadfield, Victoria 3046. On arrival the residence was in darkness with no observable lights on at the property. Parked on the driveway in front of garage was the subject's white Hyundai I30 hatchback registration 1IF-5EQ.



0600 Operative GRK arrived in the vicinity and joined Operative AKA.

0843 The subject and his wife exited the residence and the subject loaded two items of luggage in the boot of his vehicle and then entered the passenger seat. The subject's wife reversed the vehicle from the driveway and departed and was followed by both operatives.





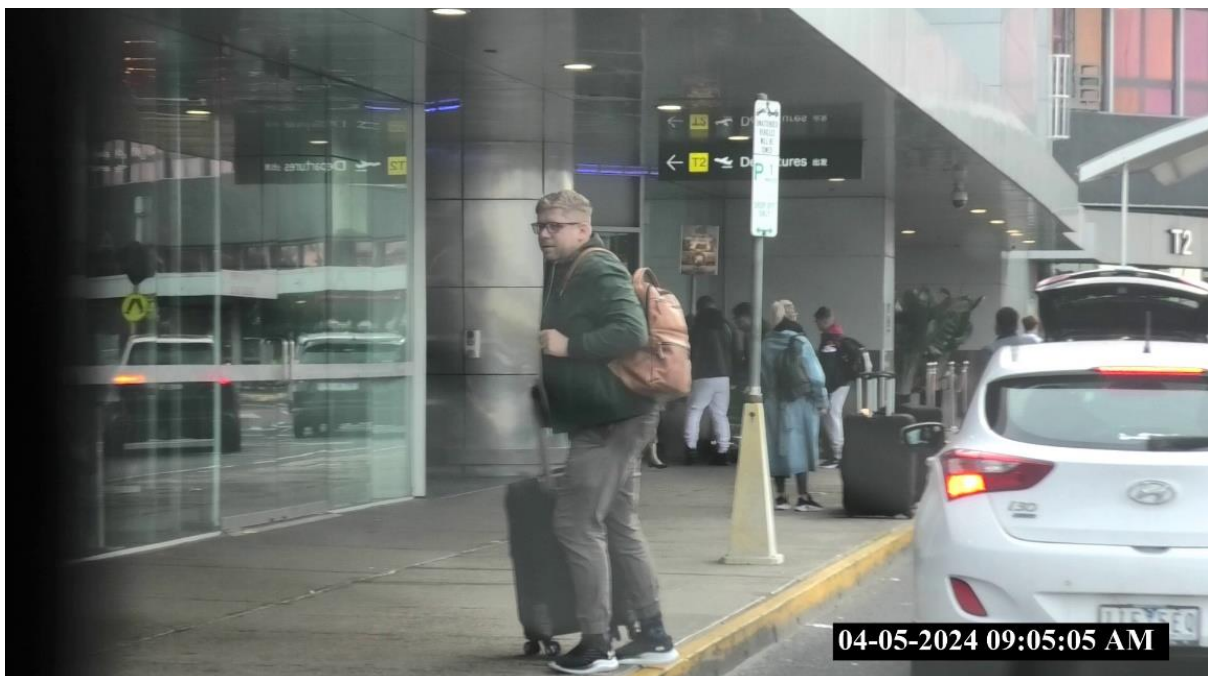
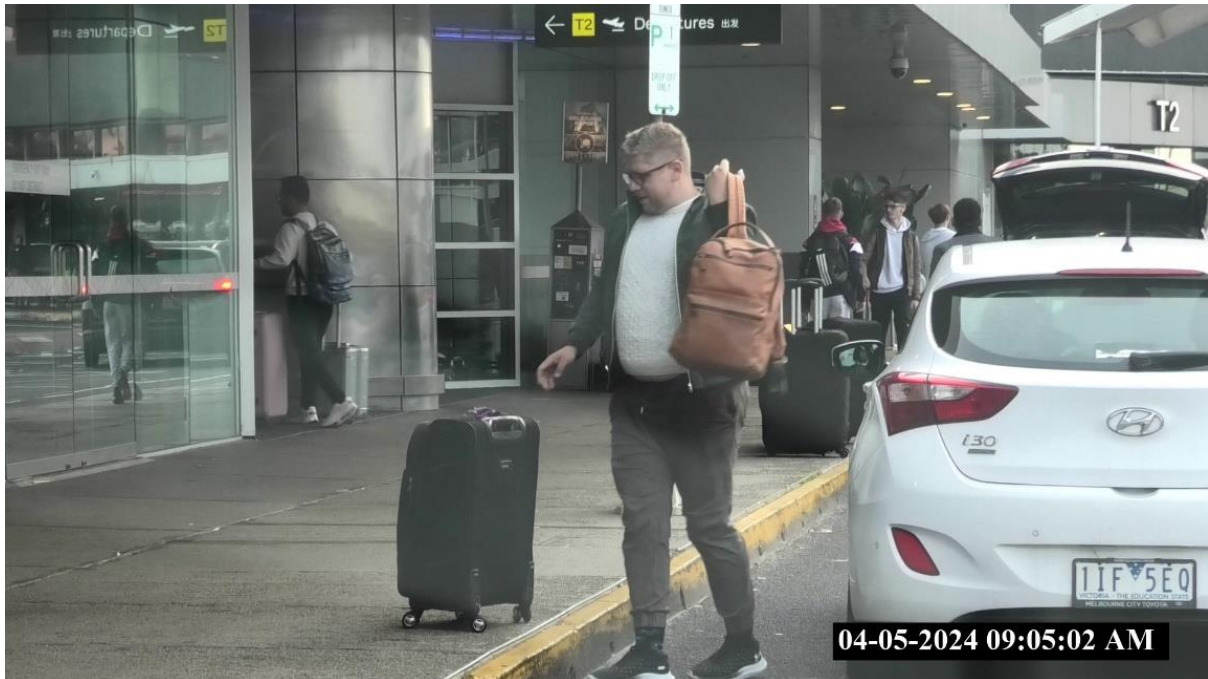
0901 The vehicle arrived at Melbourne International Airport, Tullamarine and entered the ramp to the drop zone of the Domestic Terminal.



0902 The Vehicle parked at the Quick drop zone in a small available space, however the subject did not exit and then the vehicle moved into traffic and continued to drive further along the ramp.

0904 The vehicle then parked at the Quick drop ramp beside T1 and T2. The subject exited the vehicle alone and removed a grey suitcase and a tan leather backpack. He then had a brief conversation with his wife and entered the terminal.

Operatives unable to park vehicles at the Quick drop Zone and obtained parking in the short-term carpark and entered the terminal. MP instructed to deploy assets to Perth Airport to cover the subject's arrival and to ascertain where the subject would be staying as it was believed he would be flying back to Perth.



0935 Two potential flights to Perth were due to depart at this time, Virgin 683, Gate 7 departing 1215pm and Qantas 771, Gate 12 departing 1135am.

- 0945 The subject was not sighted within the vicinity of Gate 7
- 1105 The subject was not sighted within the vicinity of Gate 12
- 1115 Operatives continued to search all Terminal gates within the T1 & T2. Gate 7 is cross checked multiple times, and the subject was not observed. Operatives unable to enter and check the Virgin and Qantas Lounges.
- 1300 The subject had not been observed. Operatives instructed to Cease surveillance.

COMMENT AND RECOMMENDATION

The subject was observed to travel to and enter the Melbourne Domestic Terminal carrying luggage.

Surveillance has now been terminated as per instructions.

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

Regards

A handwritten signature in black ink, consisting of a large, stylized loop followed by a long, sweeping horizontal stroke that tapers to a point.

ROBERT LANCASTER
DIRECTOR



For the use of client legal advisers - Privileged

5 May 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: 24.422.38

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, and the offices at UNIT 1, 19 Oxleigh Drive Malaga, WA were placed under a period of surveillance.

On Saturday 4 May 2024 a male attended the Element Zero facility at UNIT 2, 30 Oxleigh Drive for several hours. No persons were observed to enter UNIT 1, 19 Oxleigh Drive during the surveillance period.

POI 2 KOLODZIEJCZYK was not observed to arrive at Perth 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

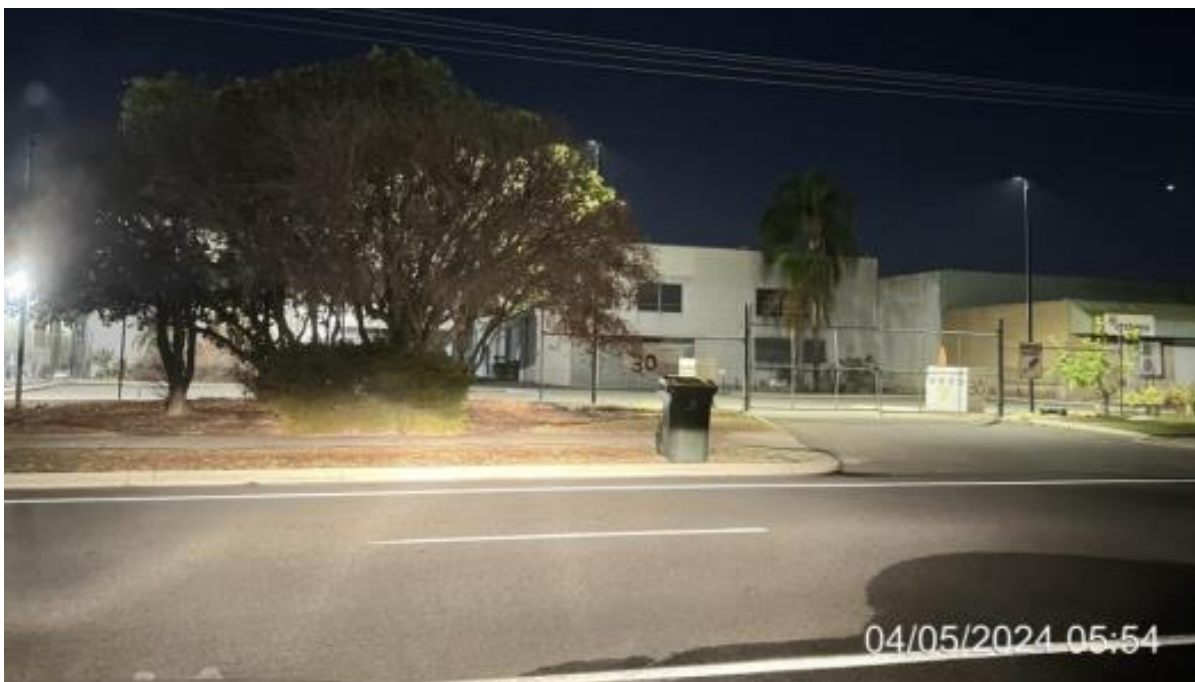


SATURDAY 4 MAY 2024

0550 Operative RC arrived and commenced surveillance in the vicinity of UNIT 1, 19 Oxleigh Drive, Malaga. An internal security light was on, and no activity was observed.



0554 A check of 30 Oxleigh Drive, Malaga. Lights were on in the carpark and the main gate was closed. No vehicles associated with UNIT 2 were parked in the carpark.



0608 Operatives AS arrived in the vicinity of 30 Oxleigh, Drive.

0618 A white Audi registration 1GPX 208 arrived at the front gates to 30 Oxleigh, Drive. A male exited the vehicle dressed in shorts and a green top and unlocked and opened the left side of gate and then parked in the laneway on the right side by the Element Zero facility at UNIT 2. The male exited the vehicle and walked to the UNIT 2 entry door.



0745 The Carpark at 30 Oxleigh Drive remained empty. No vehicles had entered since the Audi which remain parked outside of UNIT 2.



0858 A Red MG registration 1HOU 595 arrived and parked outside of Unit 1, 30 Oxleigh Drive. A dark-skinned female exited the vehicle and unlocked and entered Unit 1.



0953 A Suzuki registration 1ICO 353 arrived and a dark-skinned female and child exited the vehicle and entered Unit 1, 30 Oxliegh Drive.



1011 Operative AS redeployed to attend Perth Airport Terminal 1 for the flight from Melbourne, VA679 arriving at 1118 in order to follow POI 2 in the event of his arrival from Melbourne.

1027 The Audi remained parked outside Unit2, 30 Oxleigh Drive. All roller doors were closed on the left side of the laneway.



1054 Operative AS and BC arrived at Perth Domestic Airport.



1102 The Flight schedule showed VA679 from Melbourne indicated an early arrival at 1119 at gate 48B.

Arrivals		Terminal 1 Domestic			11:02	
FLIGHT	ORIGIN	TIME	DUE	REMARKS	GATE	
VA 551	Sydney	10:30	10:14	Landed	46	
VA 1840	Port Hedland	11:20	11:20	On-time	45	
VA 679	Melbourne	11:40	11:19	Early	48B	
VA 1724	Karratha	11:45	11:36	On-time	49A	
VA 555	Sydney	12:30	12:08	Early	44	
VA 462	Brisbane	12:55	12:55	On-time	43	
VA 717	Adelaide	14:15	14:40	Delayed	46	
VA 683	Melbourne	14:40	14:17	Early	45	
VA 557	Sydney	15:45	15:20	Early	44	
VA 466	Brisbane	16:20	16:20	On-time	45	
VA 687	Melbourne	17:10	17:10	On-time	43	

Please do not leave baggage unattended

Perth Airport

04/05/2024 11:02

11.32 All Passengers had disembarked at gate 48B. The subject POI 2 was not observed to disembark from the flight. Operative awaited until last passenger had exited.



1149 Operative noted a flight from Port Hedland VA1840 was disembarking at gate 45. Awaited all passengers to disembark, subject POI 1 was not sighted. Operative moved on to Terminal 4 which is situated North of Terminal 1 & 2. This is a 10 km drive from Terminal 1.



1205 Operative AS arrived at Terminal 4. Operative BC moved into position in the surveillance vehicle for any follow from the Terminal.

1223 The Audi departed from UNIT 2, 30 Oxleigh Drive Malaga. No other vehicles associated with UNIT 2 were at 30 Oxleigh Drive.



1300 Operative CE ceased surveillance. During the surveillance period, persons attending a Dance Studio across the road from 19 Oxleigh Drive were observed using the car park for 19 Oxleigh Drive. No persons entered or departed from UNIT 1, 19 Oxleigh Drive during the surveillance period.



1302 Operative AS checked flight QF771 from Melbourne due at 1328 at Gate 15.



1340 All Passengers had disembarked from Flight QF771. The subject POI 2 was not on the flight.



1400 Both operatives ceased surveillance. POI 2 had not been observed to arrive at Perth. Operative AS returned to the carpark and retrieved the second surveillance vehicle.



COMMENT AND RECOMMENDATION

The Element Zero facility at UNIT 2, 30 Oxleigh Drive, Malaga was attended by a male driving the Audi who had previously been observed. No persons attended UNIT 1, 19 Oxleigh Drive during the surveillance period.

As per instructions surveillance has now been terminated.

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

Regards

ROBERT LANCASTER
DIRECTOR



For the use of client legal advisers - Privileged

5 May 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: 24.422.39

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 Saturday 4 May 2024 the subject was observed to water his plants next to his residence and later he and his wife were observed to depart their residence in their vehicle. Contact was lost in traffic and later the subject and his wife arrived back at their residence and unloaded grocery items from their vehicle and entered the residence from view where they remained.

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**

SATUDAY 4 MAY 2024

0550 Operative CE commenced surveillance in vicinity Unit 4/ 213 Gildercliffe Scarborough. The subject's Toyota Corolla (1HID-902) was parked beside the residence.



0838 The subject exited his residence carrying a watering can and was observed watering his plants near his driveway.



0920 The subject and his wife entered their vehicle and departed and were followed to a local Woolworths shopping centre where contact was lost. A search of the carparks failed to locate the subject and as the operative was leaving the subject's vehicle was observed driving back towards his residence.

1018 The subject arrived back at his residence and parked his vehicle and unloaded several bags of groceries from the boot of the vehicle (obscured) and entered the residence from view.



1130 No further movement. Operative CE redeployed to Malaga.

COMMENT AND RECOMMENDATION

The subject was active during the surveillance period. The young Asian female has still not been observed at the residence.

As per instructions surveillance has now been terminated.

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

Regards

A handwritten signature in black ink, consisting of a large, stylized loop followed by a long, sweeping horizontal stroke that extends to the right.

**ROBERT LANCASTER
DIRECTOR**



Lancasters
Investigations

For the use of client legal advisers - Privileged

8 May 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: 24.422.40

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 further period of surveillance.

On Tuesday 7 May 2024 the subject was not observed at his residence. The subject's wife and child were both observed at the residence. It was noted another delivery was made to the residence during the surveillance period.

SURVEILLANCE REPORT

SUBJECT: **BARTLOMIEJ PIOTR KOLODZIEJCZYK**



DATE OF BIRTH **03/05/1985**

ADDRESS: **5A Volga Street, Hadfield, Vic 3046**

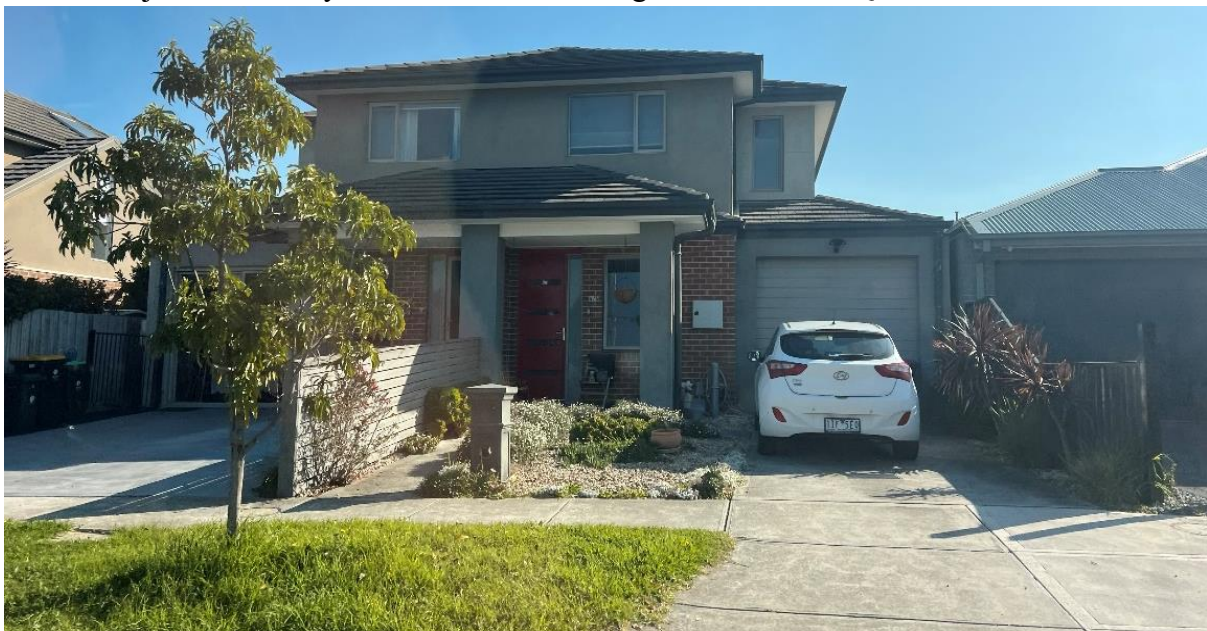
WIFE **RANTHINI MANIRAJAN**

VEHICLES: **White Hyundai I30 hatchback registration 1IF-5EQ**

TUESDAY 7 MAY 2024

Urgent instructions received to re commence surveillance.

1345 Operative AKA arrived in the vicinity of 5A Volga Street, Hadfield, Victoria 3046. On arrival no movement was detected. Parked on the driveway in front of garage was the subject's white Hyundai I30 hatchback registration 1IF-5EQ.



1454 The subject's wife exited the residence with her hair tied in a bun and was noted to be dressed casually in a white T-shirt. She placed a jacket into the front passenger seat of the Hyundai I30 then entered the vehicle and departed. Surveillance remained on the residence.



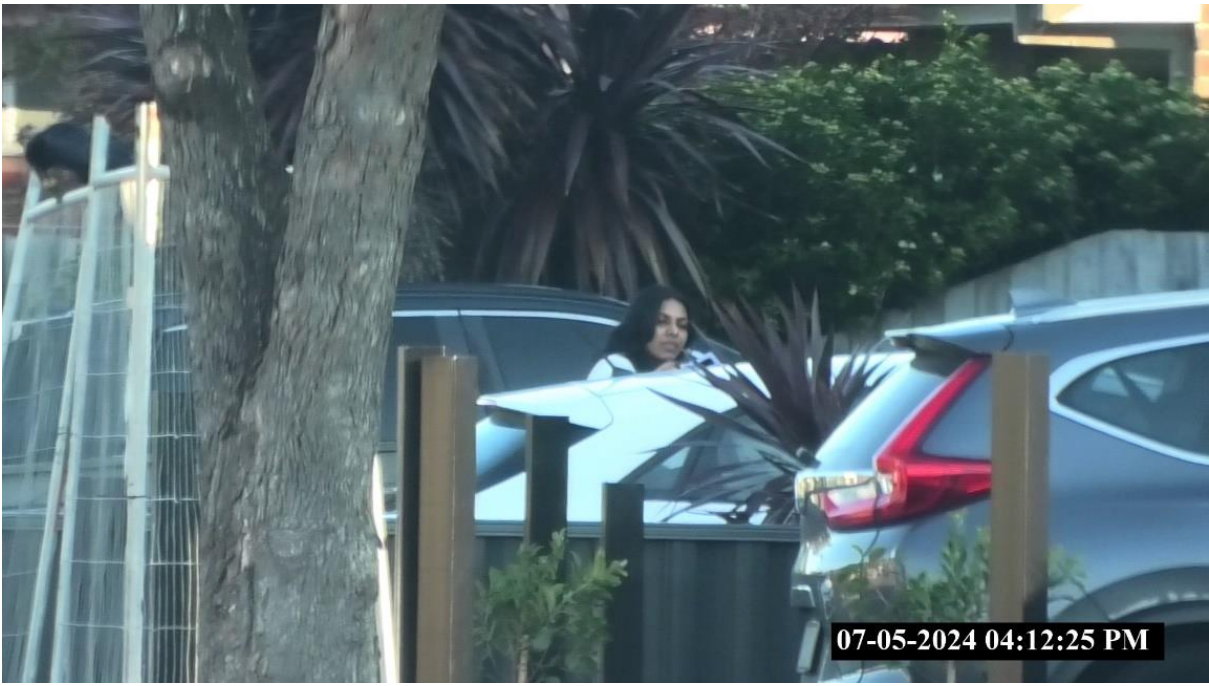
1503 A close check of the residence revealed no change and no movement detected.



1601 An Australia Post delivery van parked in front of the property and a parcel was delivered and placed by the front door.



1615 The white Hyundai I30 returned to the property, and the subject's wife exited the vehicle and assisted the child from the vehicle. It was noted her hair was changed and it appeared as if she had attended a hair salon. She retrieved the parcel from the front door mat and entered the residence accompanied by the child from view.





1753 A light was visible via the upstairs bathroom. No activity observed.



2000 Lights were on inside the residence, no movement detected. The subject was not observed. Ceased surveillance.

COMMENT AND RECOMMENDATION

The subject was not observed during the surveillance period.

Surveillance is continuing and we will report again in due course.

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

Regards

A handwritten signature in black ink, consisting of a large loop followed by a long, thin stroke extending to the right.

ROBERT LANCASTER
DIRECTOR

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

ANNEXURE PAD-7

This is the annexure marked **PAD-7** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his second affidavit on 9 May 2024.

Before me:

A handwritten signature in blue ink, appearing to read "R. M. Nighe", is written over a dotted line. The signature is stylized and includes a horizontal flourish at the end.

Iron ore

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

By Anne Hyland

APRIL 15, 2024



Former Fortescue executives, Bart Kolodziejczyk and Michael Masterman are the co-founders of green iron start-up Element Zero. EAMON GALLAGHER



Listen to this article

9 min

The lofty ambitions of two former Fortescue executives, who want to build a \$US2.1 billion (\$3.2 billion) green iron ore processing plant in the Pilbara within five years, will require a gigantic infusion of money.

Michael Masterman and Bart Kolodziejczyk formed Element Zero at the end of 2022, which aims to reduce the carbon footprint of iron ore, Australia's most lucrative export industry. It's a big step up from the \$US10 million the group raised at the start of this year in seed funding,

and there are plans to undertake another capital raising later in the year, targeting \$US50 million to \$US100 million.

Iron is the key ingredient in steel production, which the world depends on for construction and manufacturing. However, production of iron and steel emits a combined 3.4 billion tonnes of carbon annually, or 7 per cent of global emissions, according to energy analysts Wood Mackenzie.

If the international agreement to limit global warming is to be achieved, emissions must reach net-zero by 2050. To decarbonise the iron ore and steel industries, Wood Mackenzie has estimated it would require a mind-bending \$US1.4 trillion in global investment – almost equivalent to Australia’s total annual gross domestic product.

This makes the capital needs of Element Zero seem less of a tall order.

“There is so much interest in what we do both in Australia and globally, in particular in the US, that we believe that we can make it,” said Kolodziejczyk, Element Zero’s co-founder and chief technology officer.

Element Zero, which employs about two dozen staff, has developed and patented a technology to reduce iron ore to pure iron through an electrochemical process.

An alkaline solution and electric current are used to separate pure iron from silica, alumina and oxygen. Iron ore is dissolved into the solution and when electricity – from a renewable source – passes through it, the pure iron collects on a cathode.

The group said it had also made progress on decarbonising silicon.

Element Zero has pitched itself to investors as a platform company, its technology aimed at converting metal ores to metals, not only iron ore, with zero carbon emissions.



About 560 million tonnes of iron ore are shipped through Port Hedland annually. IAN WALDIE

Element Zero is seeking West Australian government approval for its green iron processing plant on 25 hectares in the Boodarie strategic industrial estate near Port Hedland. Kolodziejczyk said the group was also seeking a separate site to build a wind and solar farm to power the plant.

He said the plant would be capable of processing 5 million tonnes of iron ore feed into 2.7 million tonnes of green iron per year within five years, with plans to scale up to processing 50 million tonnes.

Element Zero's pilot plant in Perth is still a long way from industrial scale. It is processing 100 kg of iron ore daily, bought from major iron ore producers.

A process known as direct reduction uses natural gas, or methane, in a furnace to extract pure iron from iron ore. Some companies such as Fortescue have explored replacing methane with green hydrogen.

Kolodziejczyk, once Fortescue's chief scientist, led a push to develop green hydrogen to decarbonise the company's mining operations and shipping fleet.

Masterman, Element Zero's chief executive, has had a long career in the energy industry, including in Europe and also worked as Fortescue Future Industries' chief financial officer. He was chairman of renewable energy group Squadron Energy, part of the Tattarang group of companies, which are linked to Fortescue founder Andrew Forrest.

“The entire industry has enormous commercial pressures, shareholder pressures and goodwill to find technology solutions that can reduce the carbon emissions from converting iron ore into

iron,” said Masterman. “We can significantly ²⁰⁵move the dial.”

About 560 million tonnes of iron ore are shipped through Port Hedland annually.

“If we can move to converting the vast, exceptional natural resources we have in Australia to metals, rather than just exporting the raw ore, that’s going to have two impacts. It’s going to help significantly reduce carbon emissions and ... substantially strengthen Australia.”

Element Zero faces strong competition from other companies that have or are developing technology to make green iron and steel, among them Fortescue Future Industries, which last year claimed it had built a pilot plant that could turn iron ore into green iron using a [membrane](#).

Element Zero is exploring converting other metal ores to metals with zero carbon emissions, including lithium, nickel and silicon.

Kolodziejczyk acknowledges the challenges but remains confident, predicting that eventually some of the major iron ore producers, among them BHP, Rio Tinto, Fortescue, Vale, and Roy Hill, could become investors in Element Zero. “We believe that some of those majors will come and invest in us.”

Companies such as BHP and Vale have invested in clean tech groups such as Boston Metal, which is working on decarbonising steelmaking. BHP also has a stake in Electra, a start-up focused on decarbonising iron making.

In January, H2 Green Steel, which has technology that it says will help to decarbonise European steel, raised €4.2 billion (\$6.9 billion) in debt financing. The start-up was founded in 2020.

Kolodziejczyk said Element Zero was also holding discussions with potential customers in Japan and South Korea for its green iron.

“Given how quickly we are moving with the technology scale-up, and also with the project in the Pilbara, we believe it’s a good time to secure those initial agreements,” he said. “That’s what we’re going to do in the next couple of months. We believe the first offtake will come from Japan. Obviously having those agreements in place will help us with the next fund raise.”

Masterman said Element Zero was providing potential customers with samples of its green iron so they “can test it to understand any adjustments they might need to make in their systems to be able to utilise it in their processing plants”.

Kolodziejczyk said Element Zero’s next fundraising could be as much as \$US100 million. Masterman declined to provide a figure, saying instead the group was focused on proving its technology in stages to secure funding.

Element Zero is also exploring potential grants from the United States through the Inflation Reduction Act (IRA). The IRA has directed hundreds of billions of dollars to clean energy

206
projects, including electric vehicles, to accelerate the country's transition to net-zero.

The IRA has fuelled a manufacturing boom in the US but that rapid growth in cleantech manufacturing has come at a cost. It has driven a huge increase in electricity demand, as has the development of artificial intelligence and digital currencies, which threaten to slow the path to net-zero, as renewable energy companies struggle to keep pace.

Last week, the Australian government announced a new industrial policy - the Future Made in Australia Act - that was immediately dubbed a mini-version of the IRA, although details of the policy are yet to be released. It will target advanced manufacturing and clean energy projects with government-funded incentives.

The push to decarbonise the iron ore sector comes amid pressure on exports. Vivek Dhar, director of the Commonwealth Bank's mining and energy commodities research team, has forecast that iron ore prices will average between \$US100-\$110 a tonne for the remainder of the year, after hitting \$US140 in January.

He said there were risks the price could fall below those forecasts if growth slowed in China, as a result of a slump in its property sector. China imports almost 75 per cent of the world's iron ore.

Element Zero is exploring converting other metal ores to metals with zero carbon emissions, including lithium, nickel and silicon.

Kolodziejczyk said the group had made good progress with silicon. "We are trying to refine the process. The team is working towards that, and we believe that could be our second offering."

Silicon is used in the manufacturing of solar cells and microchips. The US has also introduced the CHIPS and Science Act that aims to boost investment, manufacturing and research and development in semiconductors.

"If we're able to take literally sand and convert it into silicon metal, with very little carbon emissions, that makes a major difference to the supply source of silicon metal and the carbon emissions that come from producing it," said Masterman.

"Silicon is a very exciting one for us and one in which we might be able to move more quickly. We could accelerate parts of the silicon plant in parallel with the work we're doing in iron ore. There are some significant opportunities in the United States we're considering."

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Anne Hyland is an award-winning writer and a senior correspondent for The Sydney Morning Herald and The Age. She was previously deputy editor of Good Weekend and has worked for The AFR and as a foreign correspondent. Connect via [Twitter](#) or [email](#).
