

NOTICE OF FILING

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File Title: FORTESCUE LIMITED ACN 002 594 872 & ORS v ELEMENT ZERO PTY LIMITED ACN 664 342 081 & ORS
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: General

QFM1 (a pseudonym) and Ors

Applicants

RAB1 (a pseudonym) and Ors

Respondents

Affidavit of: **Paul Alexander Dewar**
Address: Level 4, 7 Macquarie Place, Sydney, NSW 2000
Occupation: Lawyer
Date: 14 May 2024

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Filed on behalf of (name & role of party) QFM1 and others, the Applicants
 Prepared by (name of person/lawyer) Paul Alexander Dewar, Principal Lawyer
 Law firm (if applicable) Davies Collison Cave Law
 Tel (02) 9293 1000 Fax (02) 9262 1080
 Email PDewar@dcc.com
 Address for service Level 4, 7 Macquarie Place, Sydney NSW 2000
 (include state and postcode)

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4.	Annexure "PAD-10", being copy of Dr Felicity McFarlane's profile on the website of Melbourne Children's Psychology Clinic.	21	181–185

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 third affidavit in this proceeding (**Third Affidavit**). My first affidavit was affirmed on 1 May 2024 (**First Affidavit**) and my second affidavit was affirmed on 9 May 2024 (**Second Affidavit**).
3. The purpose of this Third Affidavit is to clarify certain points regarding the Search Order Application, including:
 - (a) the known location of Dr Kolodziejczyk at the time of affirming this Affidavit; and
 - (b) the qualifications of Dr Felicity McFarlane, an independent qualified person with expertise in working with children.
4. The defined terms in my First Affidavit and Second Affidavit are adopted in this Third Affidavit.
5. I am authorised to make this affidavit on behalf of the Applicants. We refer to Fortescue as the Applicants.
6. The statements that I make in this affidavit are based on the annexed documents (refer to paragraphs 10 and 14), and on information and belief from Mr Adrian Huber, Senior Legal Counsel of the Second Applicant.

B. Present location of Dr Bartlomiej Piotr Kolodziejczyk

7. As stated in **Part C** of my Second Affidavit, as at 9 May 2024, the Applicants did not know the location of Dr Kolodziejczyk.
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) were annexed to my Second Affidavit and marked Annexure "PAD-6".
10. The PI Reports from the period 8 May 2024 to 12 May 2024 are annexed to this Affidavit and marked Annexure "PAD-8".
11. 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
7 May 2024	8 May 2024 Lancasters' reference no.: 24.422.40	<ul style="list-style-type: none"> • On Tuesday, 7 May 2024, Dr Kolodziejczyk was not observed at Dr Kolodziejczyk's Residence. • Dr Kolodziejczyk's wife and child were both observed at Dr Kolodziejczyk's Residence.
8 May 2024	9 May 2024 Lancasters' reference no.: 24.422.45	<ul style="list-style-type: none"> • On Wednesday, 8 May 2024, Dr Kolodziejczyk was not observed at Dr Kolodziejczyk's Residence. • Dr Kolodziejczyk's wife and child were both observed at Dr Kolodziejczyk's Residence.
9 May 2024	10 May 2024 Lancasters' reference no.: 24.422.46	<ul style="list-style-type: none"> • On Thursday, 9 May 2024, Dr Kolodziejczyk was not observed at Dr Kolodziejczyk's Residence. • Dr Kolodziejczyk's wife and child were both observed at Dr Kolodziejczyk's Residence. They were joined by a woman of Indian appearance who appears similar to Dr Kolodziejczyk's wife's age.

10 May 2024	11 May 2024 Lancasters' reference no.: 24.422.50	<ul style="list-style-type: none"> • On Friday, 10 May 2024, Dr Kolodziejczyk was not observed at Dr Kolodziejczyk's Residence. • Dr Kolodziejczyk's wife and child were both observed at Dr Kolodziejczyk's Residence.
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12. In addition to the PI Reports, Mr Huber forwarded to me on 12 May 2024 an email sent to him by Mr Robert Lancaster (who I understand from his email signature is the Managing Director of Lancasters Investigations). The email states:
- "KOLODZIEJCZYK has been observed on Saturday and Sunday at his residence."*
13. Mr Huber also received photographs from Mr Lancaster on 11 and 12 May 2024 of Dr Kolodziejczyk at Dr Kolodziejczyk's Residence, which he forwarded to me on 13 May 2024. The photographs contain the timestamps "11.5.2024" and "12.5.2024".
14. Shown to me and marked Annexure "PAD-9" is a copy of the email and photographs dated 11–12 May 2024 from Mr Lancaster.
15. I infer from the photographs and email dated 12 May 2024 from Mr Lancaster, which I believe contains true information, that on 12 May 2024, Dr Kolodziejczyk was located at Dr Kolodziejczyk's Residence.
16. At approximately 8:40AM (AEST) on Tuesday, 14 May 2024, I received a phone call from Mr Huber. Mr Huber informed me, and I believe it to be true, that he was informed by Lancasters Investigations that Dr Kolodziejczyk was observed arriving at Perth Airport in the early morning of Tuesday, 14 May 2024. Dr Kolodziejczyk was followed from Perth Airport to a hotel in Perth, where he was observed entering the hotel with his luggage.
17. That is the extent of the information communicated to me by Mr Huber on Tuesday, 14 May 2024.
18. As stated in paragraph 21 of my Second Affidavit, the Applicants intend to execute the search orders (if the Court is minded to grant the application for search orders) at the earliest available opportunity at the Premises.




C. Dr Felicity McFarlane as an independent qualified person with expertise in working with children

19. On 13 May 2024 I spoke with Dr Felicity McFarlane of the [Melbourne Children's Psychology Clinic \(melbournepc.com.au\)](http://Melbourne Children's Psychology Clinic (melbournepc.com.au)). Dr McFarlane is a clinical psychologist. Dr McFarlane's academic qualifications are Bachelor of Arts (B.Arts), Graduate Diploma in Psychology (Grad.Dip.(Psych)), Doctor of Psychology (Clinical) (D.Psych.(Clinical)), and she is a Member of the Australian Psychological Society (M.A.P.S.).
20. Dr McFarlane has worked extensively in infant and child settings, including as a Senior Clinical Psychologist at the Monash Medical Centre for the Consultation and Liaison Psychiatry Team in paediatrics.
21. Annexed hereto and marked Annexure "PAD-10" is a copy of Dr McFarlane's qualifications from the website <<https://www.melbournepc.com.au/our-team/hampton/dr-felicity-mcfarlane/>>.
22. During that call I stated words to the effect of:
- (a) I am involved with the court ordered civil search of a residential premises on behalf of my client;
 - (b) the execution of the search orders would likely occur on Wednesday 15 May;
 - (c) present at the premises will be (i) independent solicitors; (ii) independent computer experts; and (iii) a representative of DCCL;
 - (d) the resident at that premises has a small child (around 5 years old) who may be at the premises at the time the search order is executed;
 - (e) the Federal Court wishes to ensure that an offer of assistance is made to the resident by an independent qualified person with expertise in working with children (**Qualified Person**);
 - (f) the Qualified Person would be retained entirely independently from DCCL or my client;
 - (g) the role of the Qualified Person would be solely to assist the resident at the premises care for their child (should the resident desire that assistance); and accordingly
 - (h) I am seeking Dr McFarlane's assistance in relation to the search as I consider her to be a suitably qualified person with suitable expertise.

23. In response Dr McFarlane stated that:
- (a) she was willing to assist on the basis I had described to her (as set out above); however
 - (b) she may have another commitment from 2pm on Wednesday.
24. I then stated to Dr McFarlane that she would be retained formally by the independent solicitors acting on this matter, Hall & Wilcox.
25. Following that call I sent Dr McFarlane (via her practice manager Georgie) an email containing the following information:

Hi Georgie

I have now spoken with Dr McFarlane who has generously agreed to assist with the search order this Wednesday.

For the avoidance of doubt, I confirm that Dr McFarlane is retained at the instruction of the Federal Court of Australia and is entirely independent of DCCL and my client.

Correction in relation to timing of execution (its now 11am not 9am as I previously stated)

When I spoke with Dr McFarlane I stated that we would be executing the order at 9am on Wednesday and that we would meet with Dr McFarlane beforehand at 830 am.

This information is now incorrect - we are now commencing at 11am on Wednesday and would like to meet with Dr McFarlane at 1030am.

I understand that Dr McFarlane will need to leave the premises at 1.30pm on Wednesday to give evidence in the Family Court.

Assuming this is correct, then due to the later start we will likely need an additional qualified person to take over from Dr McFarlane at 1.30pm and stay for a further two hours or so. Hall & Wilcox (see below) will discuss this with Dr McFarlane today.

Independent Solicitors – Hall & Wilcox

The independent solicitors (the law firm Hall & Wilcox) will be in contact with Dr McFarlane shortly to arrange the usual retainer agreements so that Dr McFarlane can be reimbursed for her time.

I have cc'd Mr Stephen Klotz (a partner with Hall & Wilcox) on this email, so that everyone is on the same page.

If you can please forward this email to Dr McFarlane. I will now step out of the future arrangements.

Thank you for your assistance with this at such short notice.

Best, Paul

- 26. The above email was also cc'd to the Independent Solicitor Mr Stephen Klotz.
- 27. I have had no further contact with Dr McFarlane since sending the above email.

Affirmed by Paul Alexander Dewar)
at Sydney in New South Wales)
on 14 May 2024)
Before me:)



Signature of Paul Alexander Dewar



Signature of witness
Rohit Manoj Dighe, Solicitor

No. NSD 527 of 2024

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

QFM1 (a pseudonym) and Ors
Applicants

RAB1 (a pseudonym) and Ors
Respondents

ANNEXURE PAD-8

This is the annexure marked **PAD-8** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his Third Affidavit on 14 May 2024.

Before me:

A handwritten signature in black ink, appearing to read "R. M. Igha", written over a dotted line. The signature is stylized with a large loop at the end.



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**

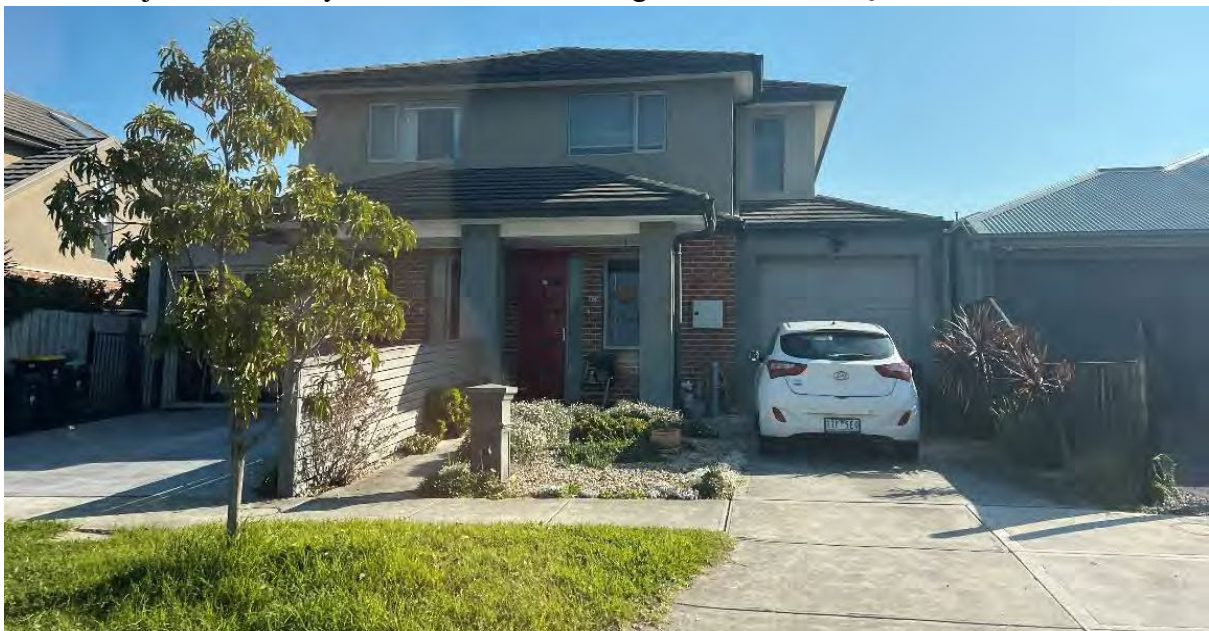
WIFE **RANTHINI MANIRAJAN**

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.



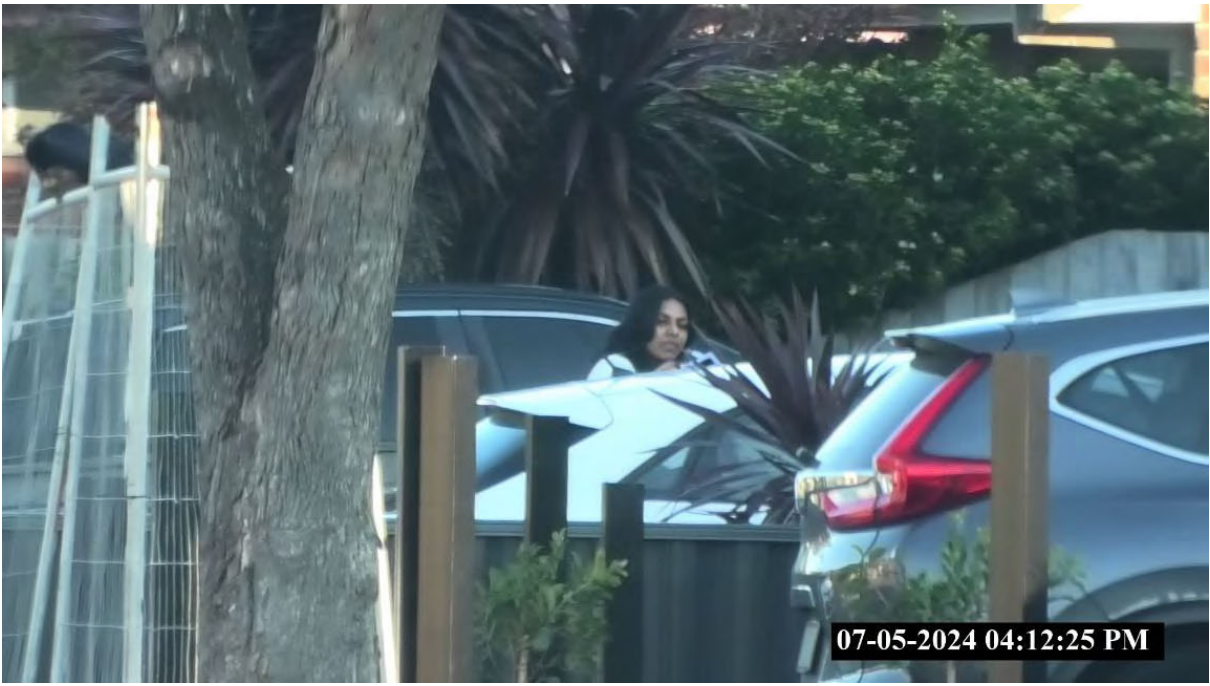
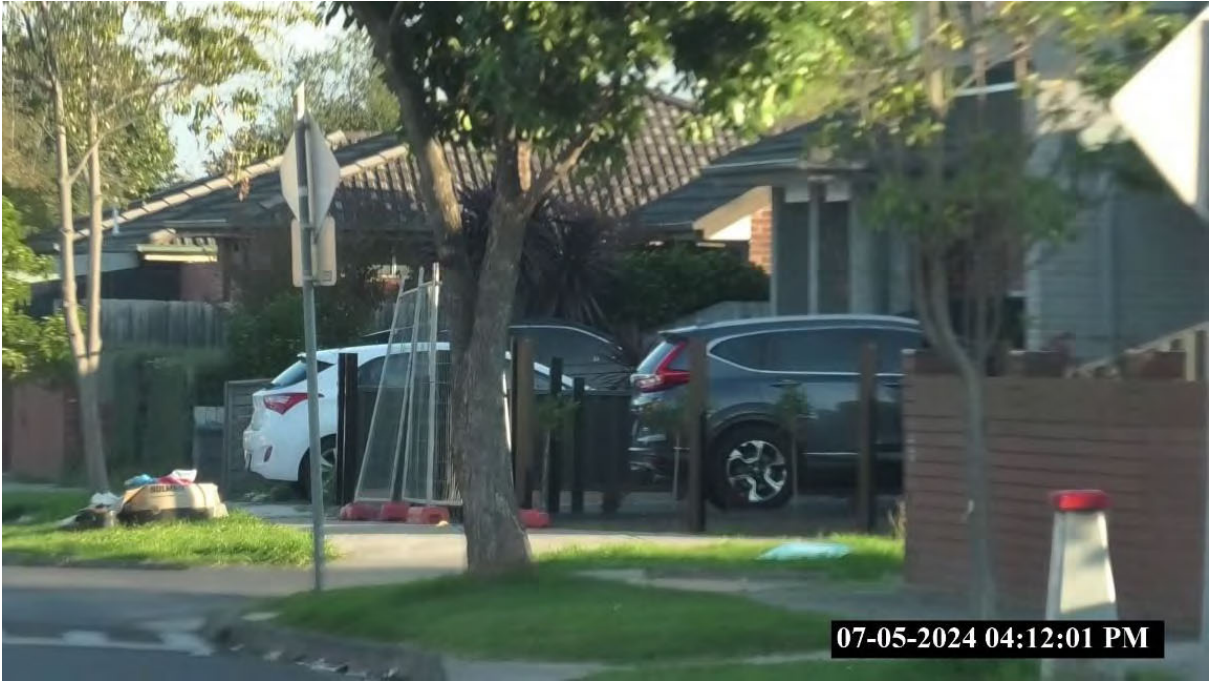
1503 A close check of the residence revealed no change and no movement detected.



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



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: BJORN WINTHER-JENSEN
OUR REF: 24.422.41

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 further period of surveillance

On Tuesday 7 May 2024 on arrival at the subject's residence the subject's vehicle was not present and no activity was observed at his residence. Later the subject arrived back at his residence in his vehicle driven by his wife. The subject and his wife were briefly observed as they entered 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

TUESDAY 7 MAY 2024

1030 Operative JS commenced surveillance in vicinity Unit 4, 213 Gildercliffe Scarborough. The subject's Toyota Corolla registration 1HID-902 was not present at or nearby the residence.



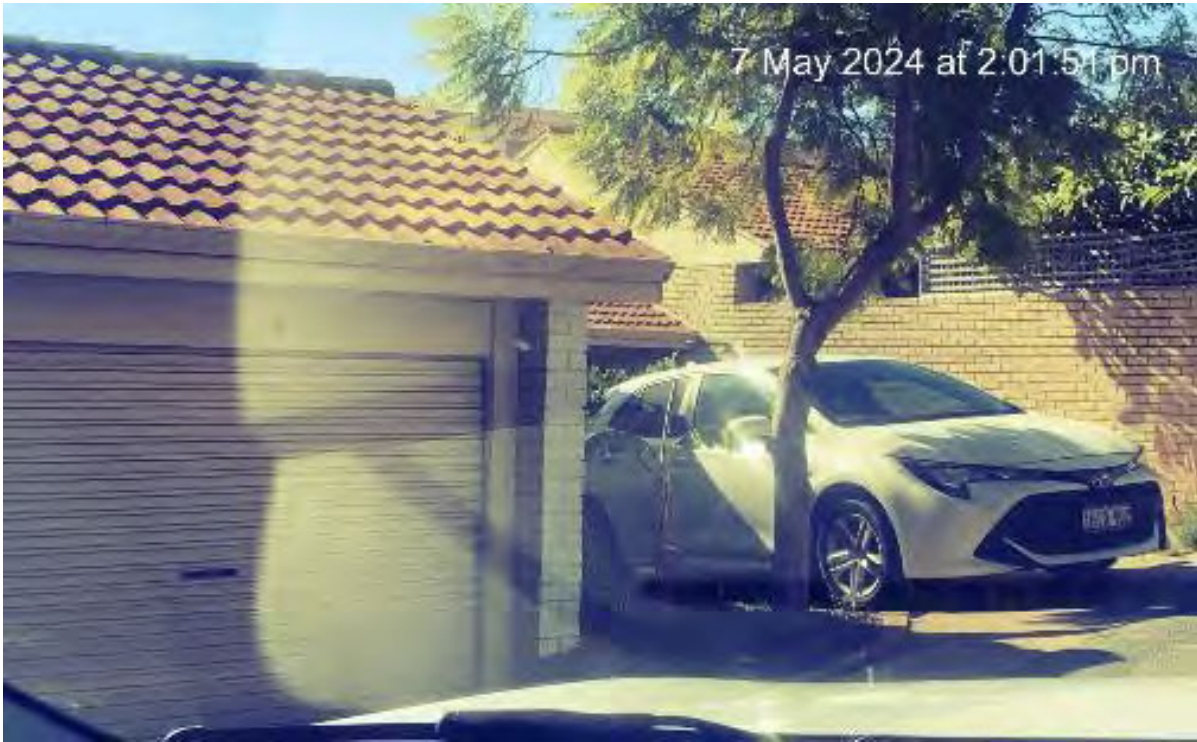
A grid search was conducted and previous locations the subject had attended were checked for the subject and or his vehicle. The subject and his vehicle were not observed.

1150 Operative arrived back in the vicinity of the subject's residence.

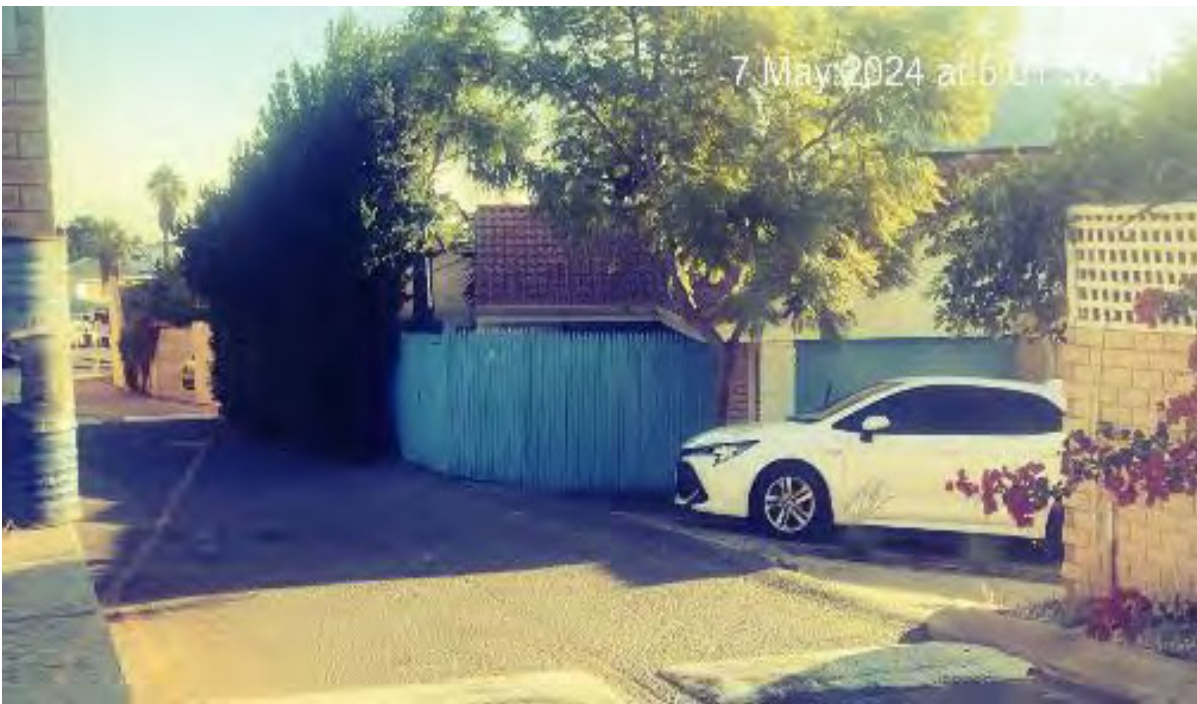
1223 The subject's Toyota Corolla 1HID-902 arrived and parked outside the residence. The subject's wife exited the driver's side and the subject exited the passenger side and both entered the residence from view.



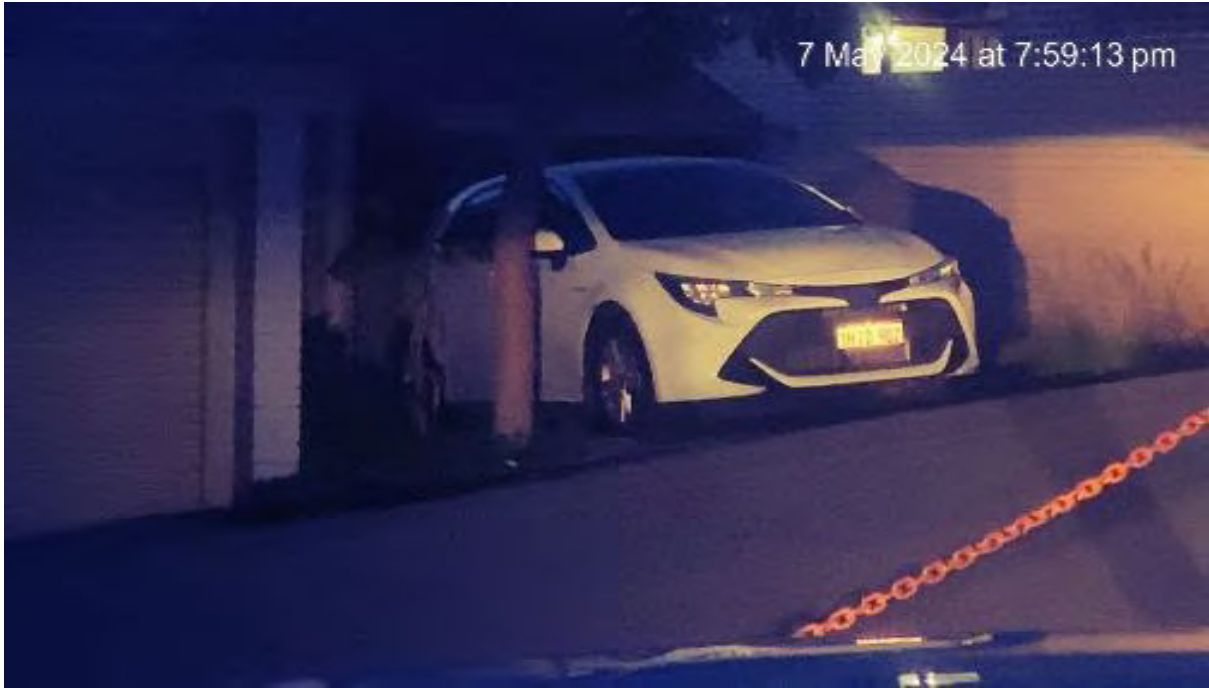
1401 A close check of the residence revealed no movement. The subject's vehicle remained parked in the same position outside the residence.



1701 Close checks were carried out during the surveillance period and no movement was detected.



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



COMMENT AND RECOMMENDATION

The subject was active during the surveillance period and was observed arriving at his residence as a passenger in his vehicle that was driven by his wife.

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, appearing to be "R. Lancaster", written in a cursive style.

**ROBERT LANCASTER
DIRECTOR**



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: ELEMENT ZERO FACILITY
OUR REF: 24.422.42

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 Tuesday 7 May 2024 activity was observed at UNIT 2, 30 Oxleigh Drive and previously observed staff were observed departing the facility. No movement was detected at any time at UNIT 1, 19 Oxleigh Drive.

SURVEILLANCE REPORT

LOCATION:

ELEMENT ZERO

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



SECONDARY ADDRESS:

Office building 19 Oxleigh Drive Malaga, WA



TUESDAY 7 MAY 2024

- 1000 Operative BJ commenced surveillance in the vicinity of UNIT 2, 30 Oxleigh Drive Malaga. It was noted the main gates were open and the roller door for UNIT 2 was open and several vehicles previously identified as being associated with staff at the facility were in the car park.



- 1000 Operative MP commenced observations in the vicinity of Unit 1, 19 Oxleigh Drive. No activity was observed and it appeared the offices were unoccupied.



- 1219 The previously observed mature aged male with grey hair, arrived at UNIT 2, 30 Oxleigh Drive, in the previously observed silver Subaru BRZ hatch registration 1EKM410.
- 1226 The male departed UNIT 2, 30 Oxleigh Dr, in Subaru BRZ 1EKM410 with a male passenger wearing a HiVis shirt.
- 1258 The two males returned in the same vehicle and returned to UNIT 2.



- 1417 Audi A6 sedan 1GPX 208 departed 30 Oxleigh Drive in a Northerly direction with unidentified occupant(s). The vehicle was not followed.



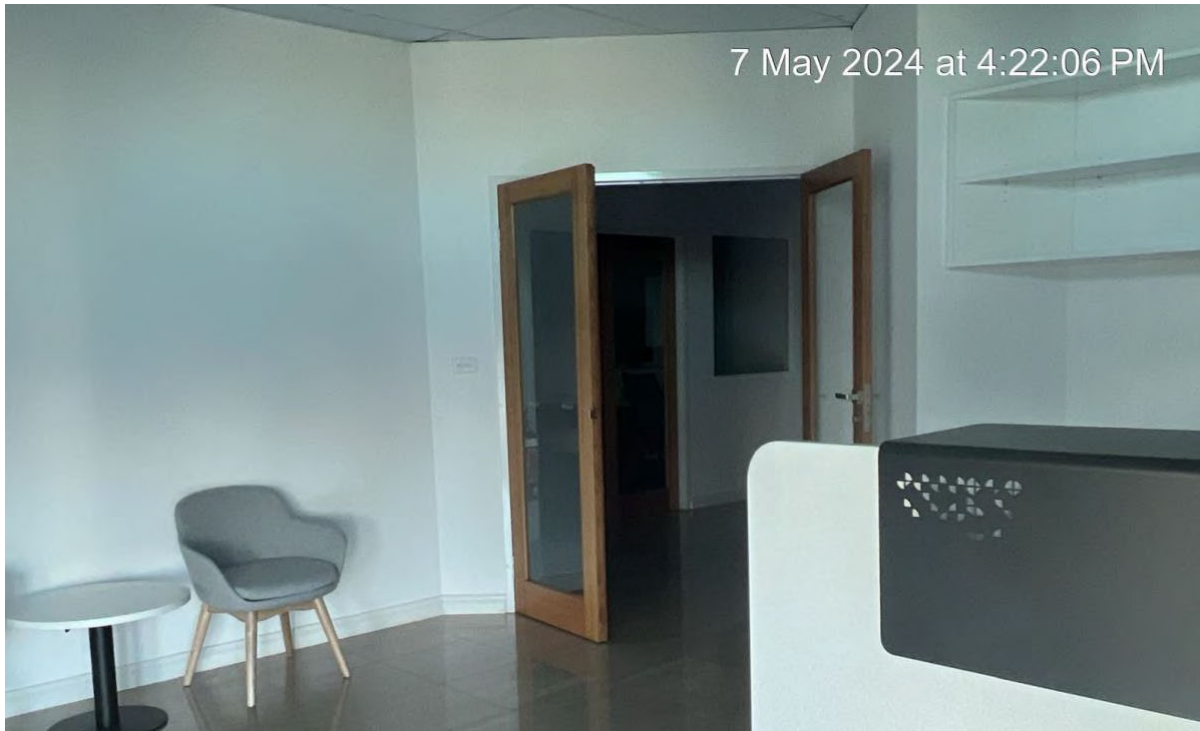
1517 The mature aged male departed UNIT 2, 30 Oxleigh Rd as the sole occupant of the Subaru BRZ 1EKM 410



1552 The bearded male previously observed at UNIT 2 departed the carpark of 30 Oxleigh Drive unaccompanied in a BMW coupe 1HTM 702.



1622 A close check of Unit 1, 19 Oxleigh Drive noted the offices in darkness with no activity.



1631 The male previously observed in the HiVis shirt departed the carpark of 30 Oxleigh Drive unaccompanied in a Toyota Hilux registration 1CWC 458.



1705 The male believed to be the facility manager of UNIT 2 departed 30 Oxleigh Drive unaccompanied in his Mercedes sedan registration 1 EXB 278.



1705 A male previously observed at UNIT 2 departed 30 Oxleigh Drive unaccompanied, in previously observed a silver Subaru Impreza.



1709 A close check of UNIT 2, 30 Oxleigh Drive noted a white Hilux registration 1GPD 502 parked outside UNIT 2. The roller door for UNIT 2 was open.



- 1727 A male described as tall, lean build with a dark complexion arrived at 30 Oxleigh Drive in a Black Mercedes (MERCLS500). The male was believed to be part of the church group and not related to UNIT 2.
- 1746 A male with dark hair and stubble, medium build and wearing a HiVis shirt departed UNIT 2 in the White Toyota Hilux 1GPD 502.



- 1750 A close check of UNIT 2, noted the roller door was closed and the security grill to the door to the unit remained open and unlocked.





1802 No movement detected at the offices at UNIT 1, 19 Oxleigh Drive throughout the surveillance period. The front gates to the carpark to 30 Oxleigh Drive remained open and the unrelated Black Mercedes MERCLS500 was the only vehicle in the carpark. Both operatives ceased surveillance.



COMMENT AND RECOMMENDATION

The Element Zero facility at UNIT 2, 30 Oxleigh Drive, Malaga was attended by staff during the surveillance period. No persons attended offices at UNIT 1, 19 Oxleigh Drive 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 faint circular stamp or watermark.

ROBERT LANCASTER
DIRECTOR



For the use of client legal advisers - Privileged

9 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: 24.422.43

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 further period of surveillance

On Wednesday 8 May 2024 the subject and his wife attended a local shopping centre and had a café meal and then purchased grocery items. They 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

VEHICLES: White Toyota Corolla Registration 1HID-902

WEDNESDAY 8 MAY 2024

0548 Operatives JS & MP commenced surveillance in the vicinity of 4/213 Gildercliffe St, Scarborough. The subject's white Toyota Corolla 1HI-902 was parked in the car space beside subject's residence. The residence was in darkness with no activity.



0833 A close check of the residence revealed no movement.



1137 The subject and his wife departed in the Toyota Corolla 1HID-902 and were followed to the west carpark of the Westfields Innaloo shopping centre.



1146 The subject and his wife entered the centre with the subject's wife carrying a shopping bag. The subject and his wife attended the 'Jamaican Blue' Coffee Shop and sat at a table. Surveillance continued from a distance. After consuming food and a coffee the subject and his wife entered several stores and purchased grocery items.



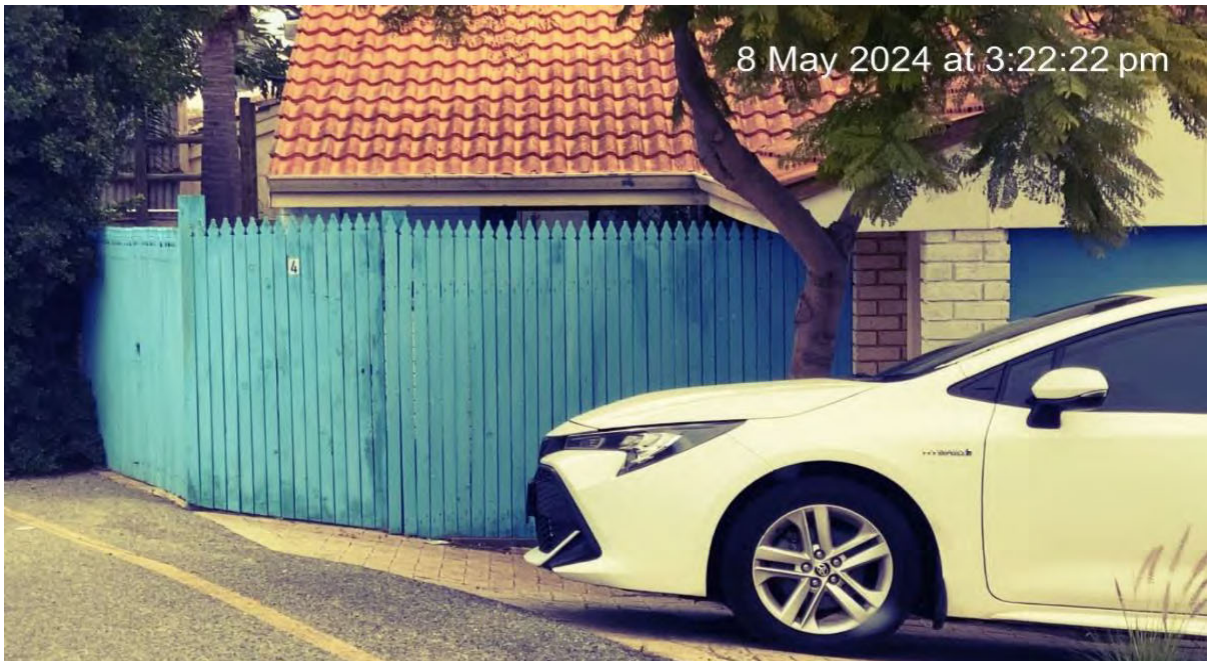
1250 The subject and his wife departed the shopping centre and returned to their vehicle carrying full shopping bags of grocery items. They loaded the bags in their vehicle and departed and were followed.



- 1304 The subject arrived at his residence and both he and his wife exited the vehicle and unloaded the bags of shopping and entered their residence from view.



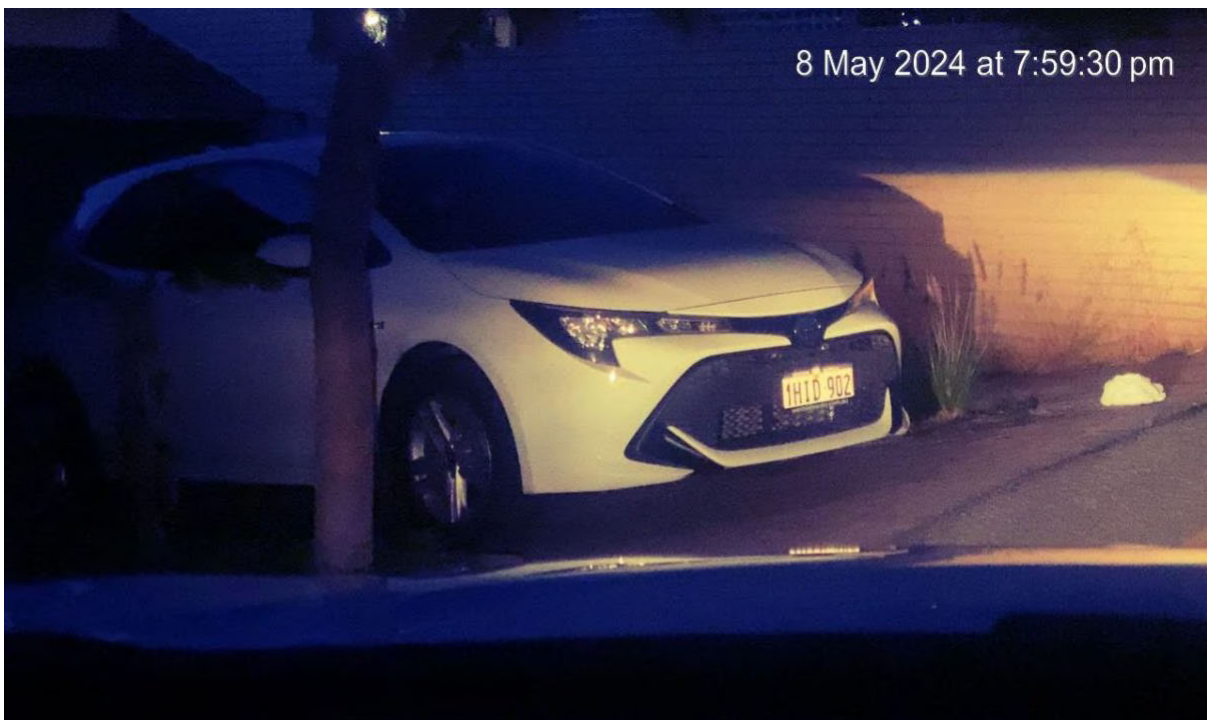
- 1522 Surveillance maintained on the residence by Operative MP, Operative JS departed to carry out a spot check [REDACTED].



1622 Operative JS arrived at [REDACTED] No activity was observed and no persons present. The red Daewoo Kalos registration 1BOS-259 was parked in the driveway. It was noted mail was in the letterbox that had not been collected. Operative JS returned to subject POI 3 residence.



2000 No further movement detected. The subject's vehicle 1H1D-90Z remained in the car space beside residence. Both operatives ceased surveillance.



COMMENT AND RECOMMENDATION

The subject was active during the surveillance period and attended a shopping centre with his wife.

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, stylized loop followed by a long, thin horizontal stroke extending to the right.

**ROBERT LANCASTER
DIRECTOR**



For the use of client legal advisers - Privileged

9 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: 24.422.44

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 8 May 2024 activity was observed at UNIT 2, 30 Oxleigh Drive and previously observed staff were observed arriving and departing the facility including what appeared to be new personnel who were later followed to a hotel in Perth. Staff were observed to attend UNIT 1, 19 Oxleigh Drive in what appeared to be training or briefings. Element Zero staff members and their vehicles and background have been identified and are highlighted in this report.

SURVEILLANCE REPORT

LOCATION:

ELEMENT ZERO

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



SECONDARY ADDRESS:

Office building 19 Oxleigh Drive Malaga, WA



WEDNESDAY 8 MAY 2024

0553 Operative AS arrived in the vicinity of Unit 2, 30 Oxleigh Drive, Malaga. The main gate was open. The previously observed White Audi registration 1GPX208 arrived at the same time and parked near UNIT 2. A Grey Honda registration 1GAU038 was already parked in the carpark.



0557 Roller door to UNIT 2 was raised up and security lights were on outside UNIT 2.



- 0558 Operative BJ commenced surveillance at UNIT 1, 19 Oxleigh Dr, Malaga. On arrival there were no associated motor vehicles within view and the building was in a secure state with no obvious sign of activity. An internal light was illuminating from within the UNIT 1.
- 0602 The previously observed black Mazda 1HZP 794 arrived and parked in usual position outside Unit 1, 30 Oxleigh Drive. A male exited the vehicle and moved from view.



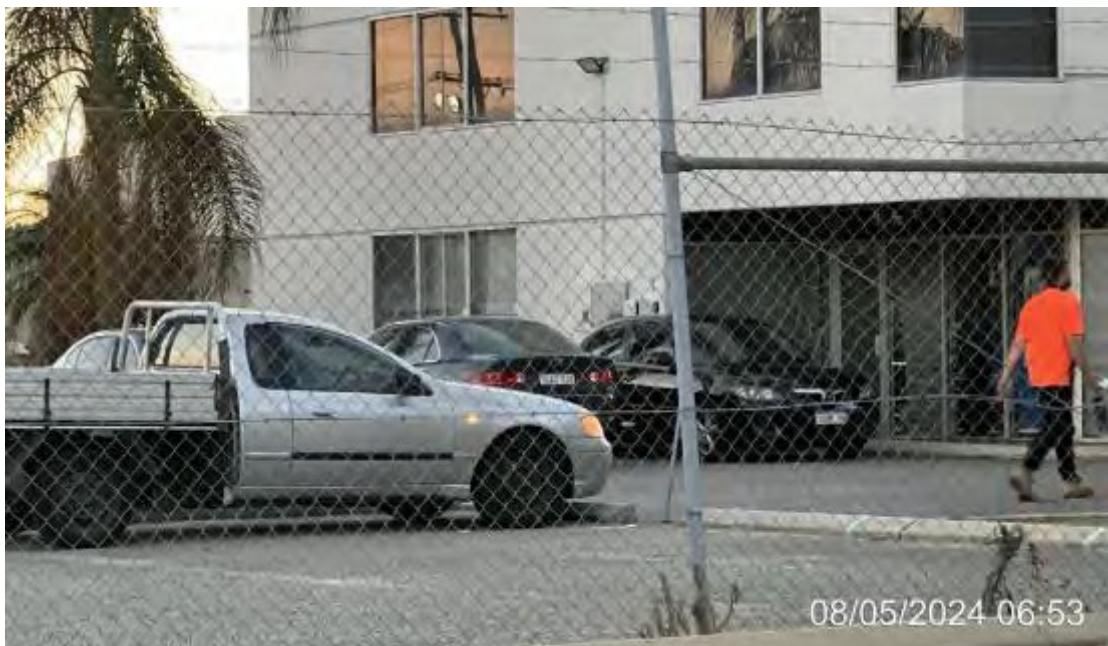
- 0625 A blue Mazda 1PGN 596 arrived, a male exited the vehicle and moved from view. Other vehicles arrived and other previously observed staff members walk to UNIT 2.



0634 The previously observed Silver BMW 1HXT 479 arrived and the staff member wearing a HiVis shirt exited the vehicle and entered UNIT 2.



0653 A silver Ford Utility 1HKV 898 Ford Ute arrived and a male wearing a HiVis shirt walked to UNIT 2.



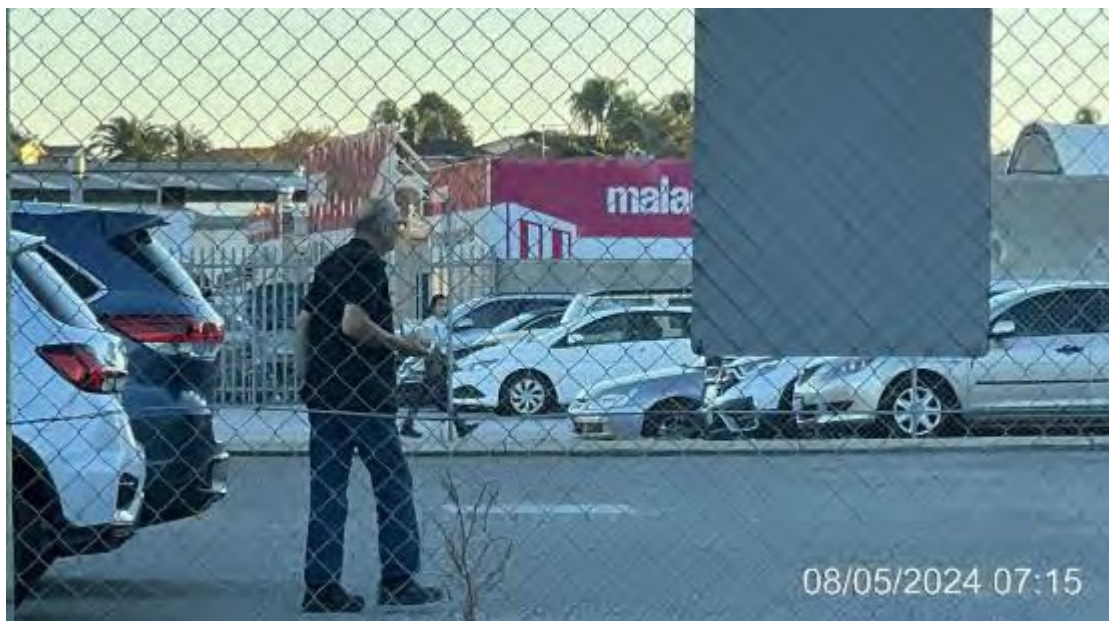
0706 The previously observed female staff member Kethaki WICK arrived in the blue Toyota RAV4 and entered UNIT 2. (Details LinkedIn)



0709 Another previously observed female staff member arrived on foot and entered UNIT 2



0715 An older male arrived in a white Mitsubishi IFC 202 wearing a polo shirt, blue pants and wearing glasses carrying food items and entered UNIT 2.



0726 A white Hilux 1GPD 592 arrived and a dark-skinned staff member wearing a HiVis jacket exited the vehicle and entered UNIT 2



0745 A silver/grey BMW 1HTM 702 arrived, and an Asian male exited the vehicle and entered UNIT 2.



0813 A white Hyundai 1GLK 653 arrived. The driver identified as staff member Anna WARRINGTON, Senior Scientist at Element Zero (ref: LinkedIn) exited the vehicle and entered UNIT 2.



 **Anna Warrington** • 3rd+
PhD in Battery Science | Battery Materials Development | Energy Storage | Decarbonisation of...
Perth, WA
Current Senior Scientist at Element Zero

0821 The previously observed white Kia 1HFD 567 arrived and the now identified staff member Phillip May, Laboratory Technician for Element Zero arrived and entered UNIT 2.





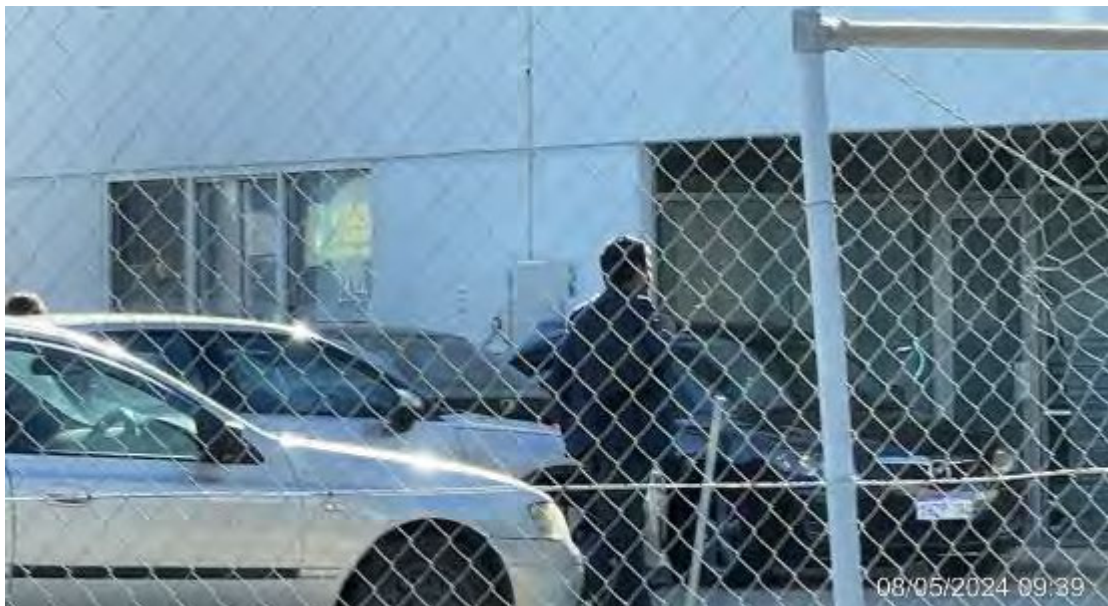
- 0834 The black Mercedes arrived, and the driver now identified as staff member Nicholas MEGALOS, listed as Principal Process Engineer at Element Zero (previously indicated as the facility manger) exited the vehicle and entered UNIT 2



- 0910 Other staff vehicles arrived, and staff members entered UNIT 2. Black Camry Blue X5 1GXC 202 bearded driver, Gold WRX 1DJL 182 , male Asian driver, silver Nissan Murano.



- 0939 An unknown male and female arrived in gold Polestar registration SPL 222. The male in a suit exited from the back seat on drivers' side, and the female on passenger side. Both persons had not been sighted previously during surveillance. The male is of Indian appearance. Both walked to and entered UNIT 2.



- 1042 The male and female exited on foot from the direction of the laneway at Unit 2. Both and walked towards Oxleigh Drive and waited for an Uber on the verge. Both the male and female were carrying backpacks.



- 1051 An Uber (white Camry 1HMS 716) arrived and the male and female boarded the vehicle and headed south on Oxleigh Drive and were followed to Adelaide Terrace.



- 1120 The unknown Indian male and female arrived at 196 Adelaide Terrace, Perth, 'Quality Ambassador Perth Hotel'. This is a 3 star hotel. Both exited the Uber and entered the hotel from view. After several minutes it was confirmed they had not exited the hotel indicating they are staying there. Operative returned to Malaga.
- 1128 Megalos exited from UNIT 2, on foot, accompanied by May and Warrington and another male and walked towards UNIT 1.

- 1144 A FedEx delivery driver arrived in an Isuzu truck 1GOI 245 and was observed to hand deliver an item to UNIT 2 and then he departed.



- 1158 Operative AS arrived back at Oxleigh Drive.

- 1208 Megalos exited from UNIT 1, 19 Oxleigh Drive on foot, accompanied by May and Warrington and another male and walked back towards UNIT 2, 30 Oxleigh Drive.





1254 Drive by of UNIT 2 laneway noted two Hilux tray Utilities parked outside.



1311 The previously observed female driving the Silver Kia MH 138Z arrived and walked to UNIT 2.



1409 Staff vehicles started to depart from 30 Oxleigh Drive.



1438 The white Audi departed.



1446 MEGALOS retrieved the Element Zero otto bins dressed in a lab coat, rubber gloves and protective eyewear. The blue X5 returned to carpark at the same time.



- 1529 The Honda HRV 1IEK 593 arrived at the carpark at 30 Oxleigh. The male with grey hair also was observed previously driving the Silver Subaru BRZ 1EKM 410.
- 1601 The silver BMW 1HTM 702 with an Asian staff member departed. More known staff vehicles also departed the carpark at 30 Oxleigh Drive.



- 1615 The older male with grey hair departed in the HRV 1IEK 593.



1628 Anna WARRINGTON departed.

1706 Nicholas MEGALOS departed in his black Mercedes.



1732 Other staff vehicles departed including a white Hilux Ute, Asian male in the gold Imprezza, and a black Camry.



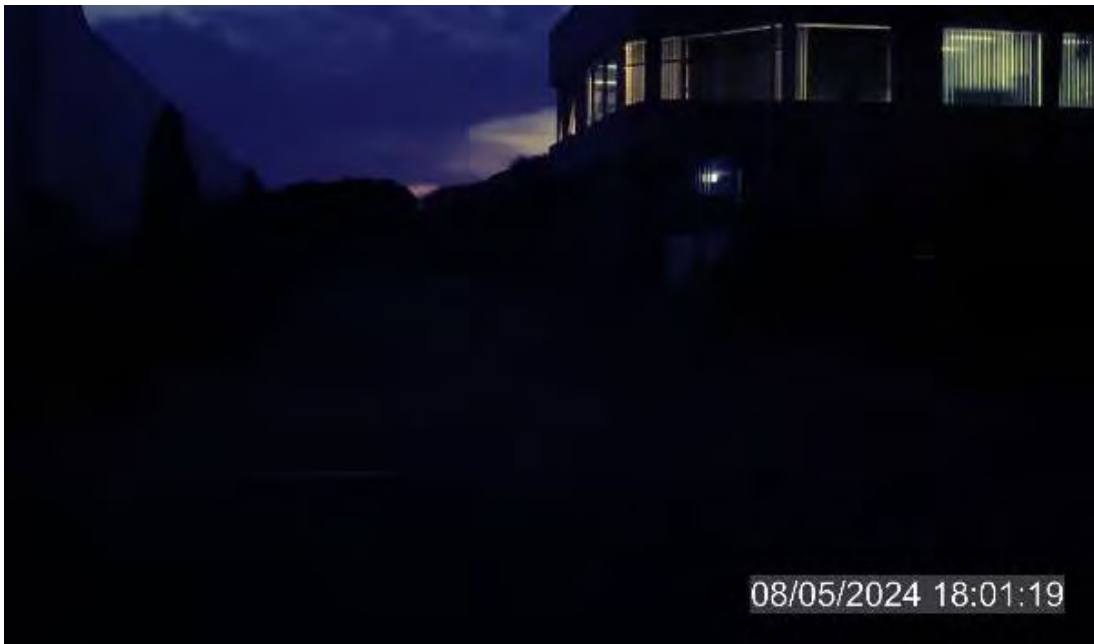
1743 The black Toyota Corolla departed. The only vehicle remaining was the blue X5.



1748 A walk by of UNIT 2 noted the roller doors were down and lights are out in the laneway. The X5 was still parked in the carpark. Other vehicles associated with the church at Unit 1 remained in the carpark.



1800 Surveillance ceased at UNIT 1, 19 Oxleigh Dr, Malaga. An internal security light was on. Lights were illuminating from the business above.



1802 The blue X5 was moved closer to UNIT 2 and was parked in the laneway. External security lights were now on, and the roller shutters were closed. The main Gate remained open.

1803 Operative AS ceased surveillance.

COMMENT AND RECOMMENDATION

The Element Zero facility at UNIT 2, 30 Oxleigh Drive, Malaga was attended by staff during the surveillance period. Several identified Element Zero staff members briefly attended the offices at UNIT 1, 19 Oxleigh Drive 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 in a cursive style with a long horizontal stroke extending to the right.

ROBERT LANCASTER
DIRECTOR



For the use of client legal advisers - Privileged

9 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: 24.422.45

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 Wednesday 8 May 2024 the subject was not observed at his residence. The subject's wife and child were both observed 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 8 MAY 2024

0540 Operative CRS arrived in the vicinity of 5A Volga Street, Hadfield, Victoria 3046. On arrival no movement was detected. The subject's white Hyundai I30 hatchback registration 1IF-5EQ was parked on the driveway.



0942 The front door opened, and the subject's child exited carrying a pair of runners. The child walked out to the nature strip and was observed cleaning the runners. The subject's wife was observed in the doorway watching the child.

0946 The subject's wife and child then entered the Hyundai and departed. Surveillance maintained on the residence.



1015 The subject's wife arrived back at the residence in the vehicle alone and checked the mailbox and then entered the residence from view.



1350 An Indian male arrived with an UBER EATS meal and delivered the bag of food to the residence and departed.



1537 A window on the second floor was opened.



1708 The subject's wife departed alone in the white Hyundai.



1754 The subject's wife returned with the child, and both entered the residence from view.



1857 A close check of the residence revealed lights on inside the ground floor at the residence.



2000 Lights still on in the ground floor rooms of the residence. No further movement. 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, 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

10 May 2024

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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: BARTLOMIEJ PIOTR KOLODZIEJCZYK
OUR REF: 24.422.46

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 Thursday 9 May 2024 the subject was not observed at his residence. The subject's wife and child were both observed at the residence and have been joined by another Indian female of similar age to the subject's wife who appears to now be staying 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**

THURSDAY 9 MAY 2024

0555 Operative AKA arrived in the vicinity of 5A Volga Street, Hadfield, Victoria 3046. On arrival no movement was detected. The subject's white Hyundai I30 hatchback registration 1IF-5EQ was parked on the driveway.



0853 The subject's wife exited the residence wearing a black puffer jacket and checked the mailbox and then returned inside the residence from view.



0858 The subject's wife exited the residence accompanied by her child and assisted the child into the rear seat, she then entered the Hyundai and departed. Surveillance maintained at the residence.



0931 The Hyundai I30 returned to and parked on the driveway. The subject's wife exited the vehicle and entered the residence unaccompanied.

- 1104 A gold Toyota Camry arrived, (registration obstructed.) and parked on the roadside in front of the residence. A female of Indian appearance exited the vehicle and retrieved a large green duffle bag from the vehicle and walked to the front door of the residence and moved from view.



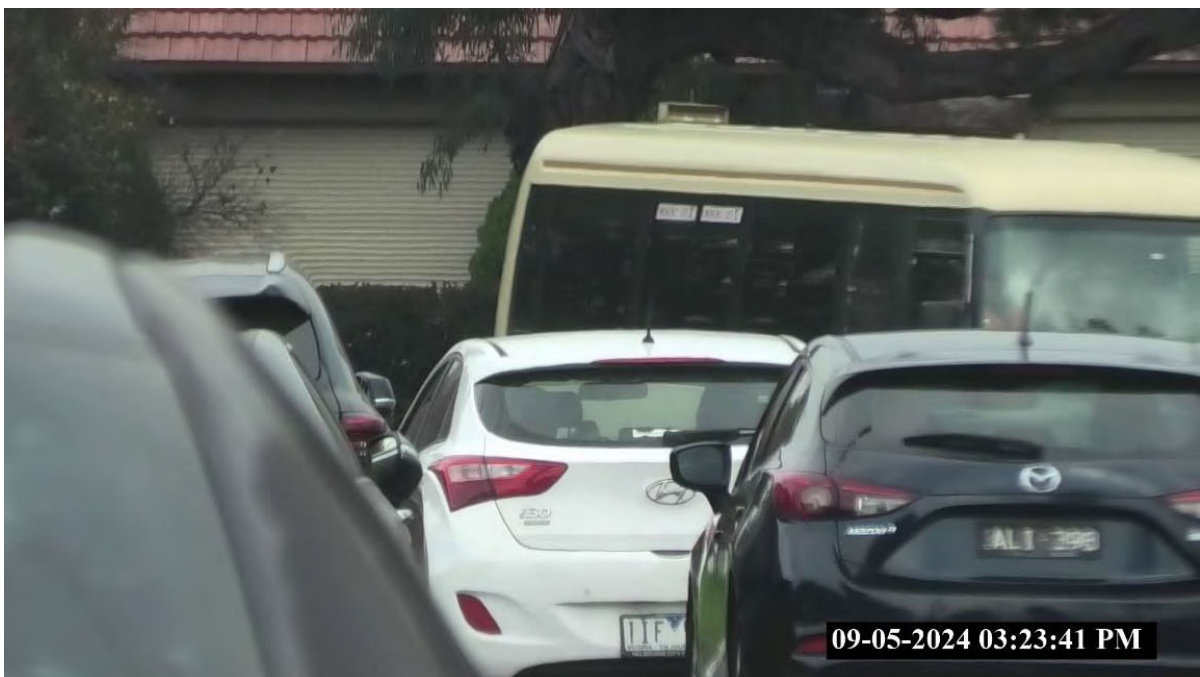
- 1303 A silver Mazda 3 hatchback registration 1YD-8IH arrived and parked on the driveway, and a male exited the vehicle and delivered a bag of take away food. He then departed.



1212 An orange Honda Jazz registration 1ZK-8GB arrived with Uber stickers on the front windshield. The Indian female exited the residence and walked towards the vehicle alone carrying paper documents in her hand and entered the vehicle which then departed. It was noted she no longer had the bag and had changed her clothing.



1523 The Hyundai I30 departed from the property. A brief follow was made to identify the occupant(s) which confirmed the subject's wife driving unaccompanied. Follow terminated and operative returned to the vicinity of the residence.



1539 A white MG hatchback registration 1VS-5GI with CPV (Uber) signage arrived at the residence. The Indian female observed earlier exited the vehicle and entered the residence.



1626 The Hyundai I30 returned, and the subject's wife and child exited the vehicle. The subject's wife checked the mailbox and then she and the child entered the residence from view.



1644 The child exited the residence and ran to the front road and picked up an unknown item and then returned inside the residence. The subject's wife was observed watching the child.

1725 The upstairs light was put on.



2000 No further movement detected. Lights were on inside the residence. The Indian female remained inside the residence with the subject's wife and child. Ceased surveillance.

COMMENT AND RECOMMENDATION

The subject was not observed during the surveillance period. An Indian female has joined the subject's wife and child at the residence and appears to be staying at the residence.

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, appearing to be "R. Lancaster", written in a cursive style.

ROBERT LANCASTER
DIRECTOR



For the use of client legal advisers - Privileged

10 May 2024

Darren Perry
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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: 24.422.47

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 9 May 2024 activity was observed at UNIT 2, 30 Oxleigh Drive and previously observed staff were observed arriving and departing the facility. No activity was observed at UNIT 1. At the end of the surveillance at Element Zero an operative was redeployed, and a period of surveillance was carried out on the Masterman residence. The residence appeared occupied with lights on inside the residence and the mail previously observed in the mailbox had been collected.

SURVEILLANCE REPORT

LOCATION:

ELEMENT ZERO

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



SECONDARY ADDRESS:

Office building 19 Oxleigh Drive Malaga, WA



THURSDAY 9 MAY 2024

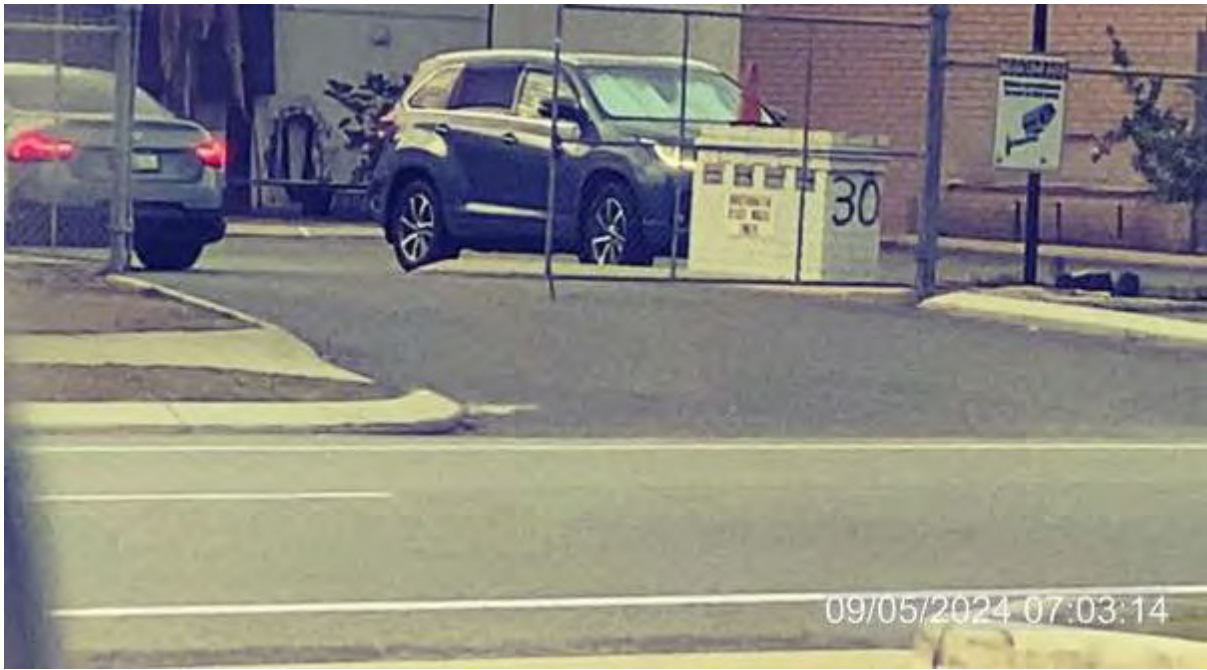
0555 Operative CE commenced surveillance in the vicinity of UNIT 1, 19 Oxleigh Drive. The offices were in a secure state with a security light on inside and no vehicles parked next to the building.



0558 Operative BJ arrived in the vicinity of Unit 2, 30 Oxleigh Drive, Malaga. The main gate was open, and the carpark was empty.



- 0603 Staff started to arrive at UNIT 2 and a male exited the previously observed white Audi registration 1GPX 208 and entered UNIT 2, 30 Oxleigh Drive.
- 0703 The Grey BMW 1HTM 702 and blue Toyota Kluger wagon (1HDE 250) arrived simultaneously. Staff exited the vehicles and entered UNIT 2. Several minutes later the BMW departed.



- 0726 Another staff member arrived in a Toyota Hilux (1GPD 502). A male wearing HiVis shirt and carrying two large black backpacks over his shoulders exited the vehicle and entered UNIT 2. At 0752 the same male exited UNIT 2 and collected a wheelie bin from the kerb and returned to UNIT 2.



- 0759 A male of Asian appearance returned in the grey BMW coupe 1HTM 702 and entered UNIT 2.
- 0813 The young male believed to be Phillip May arrived UNIT 2 driving the white Kia Cerrato sedan 1HFD 567.
- 0816 The younger Asian male observed previously arrived at UNIT 2 on foot with large black backpack.
- 0826 Nicholas Megalos arrived at UNIT 2 driving his black Mercedes 1EXB 278.



- 0841 The previously observed gold Subaru Impreza hatch 1DJL 182 arrived and a male exited the vehicle and entered UNIT 2 carrying a backpack.



- 0932 Other staff arrive in the blue BMW X5, silver Nissan Murano wagon and silver Rav 4 wagon.
- 0939 The male driver of blue BMW X5 wagon 1GXC 202, with a beard was observed outside UNIT 2 checking his mobile phone.



- 1026 Male driver of the white Toyota Hilux 1CWC 458 moved his vehicle away from UNIT 2 and then re-entered the unit.



- 1157 The female staff member believed to be Anna Warrington, was observed speaking on her mobile, within the carpark area outside of UNIT 2.

- 1203 The male driver in HiVis top of the Silver Ford Ute 1HKV 898 departed the carpark and then returned several minutes later.
- 1208 A Jaguar arrived and parked outside UNIT 1, 19 Oxleigh Drive and a female exited the vehicle and entered the rear door of the building. The female and vehicle are not associated with UNIT 1.
- 1214 The silver Nissan Murano 1DAZ 045 departed with a male staff member wearing peak cap. The vehicle returned several minutes later.
- 1400 Operative KJ commenced surveillance at UNIT 1, 19 Oxleigh Drive. Operative CE ceased surveillance. Operative BJ maintained surveillance at UNIT 2, 30 Oxleigh Drive.



- 1402 The male driver of Asian appearance departed 30 Oxleigh Dr unaccompanied in the white Audi sedan 1GPX 208.



1426 A blue Mazda sedan and white Mitsubishi Triton utility 1GTQ 200 departed 30 Oxleigh drive.



1428 The BMW sedan 1HXT 479 departed 30 Oxleigh Drive.

1459 An Asian male departed 30 Oxleigh Dr, unaccompanied in grey BMW sedan 1HTM 702.



1505 Male employee departed 30 Oxleigh Drive in the silver Ford Utility 1HKV 898.



1600 Other staff started to depart over a period of time from the carpark at 30 Oxleigh Drive including the mature aged Islander female with olive complexion in blue Toyota Kluger wagon 1HDE 250. The male with the beard within blue BMW X5 1GXC 202 and Anna Warrington in the white Hyundai i30 hatch 1GLK 653. Phillip May in the white Kia Cerrato sedan 1HFD 567.





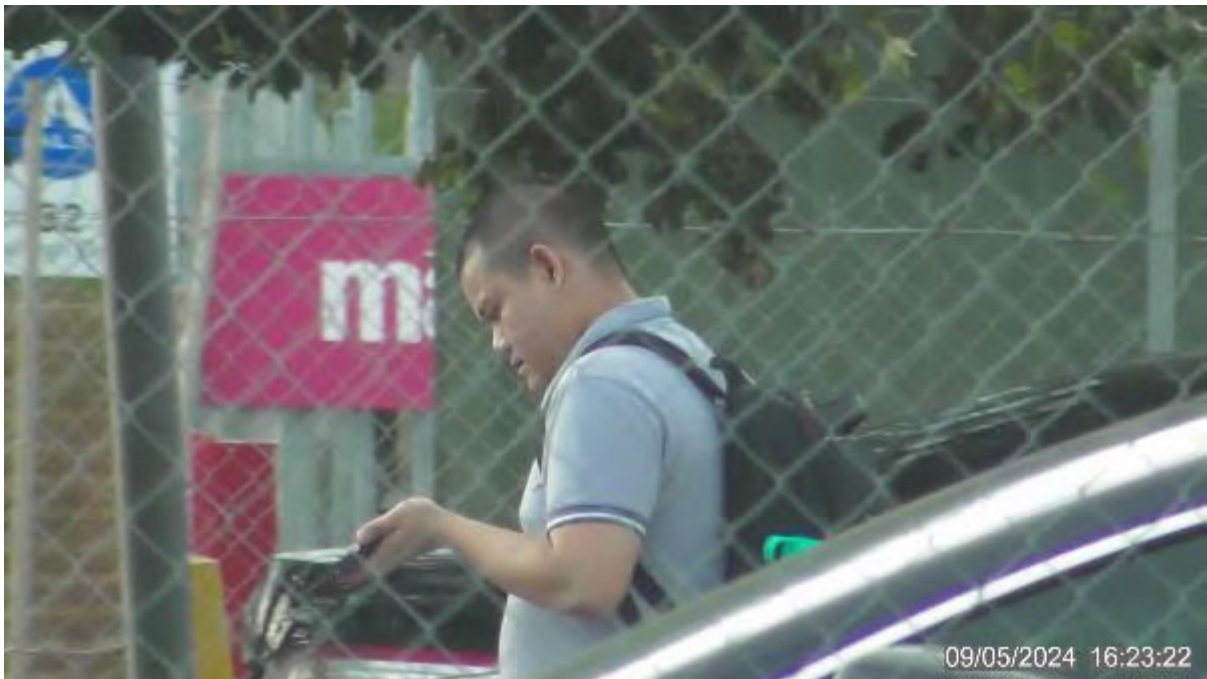
Male with dark hair and beard wearing cap and HiVis departed in the Toyota Hilux 1GPD 592.



Female with thin build and long dark hair, believed to be Kethaki Wick in the silver Toyota RAV4 1DRA 680.



1623 The younger Asian male departed 30 Oxleigh Drive on foot.



1652 Male departed in the silver Nissan Murano wagon 1DAZ 045.



1704 Nicholas Megalos departed in the black Mercedes 1EXB 278.



1713 Male with dark features and long hair – shaved at sides departed in a black Toyota Camry sedan 1HZP 794.



1720 A short and solid built male of Asian appearance with crew cut, departed in the gold Subaru Impreza hatch 1DJL 182.



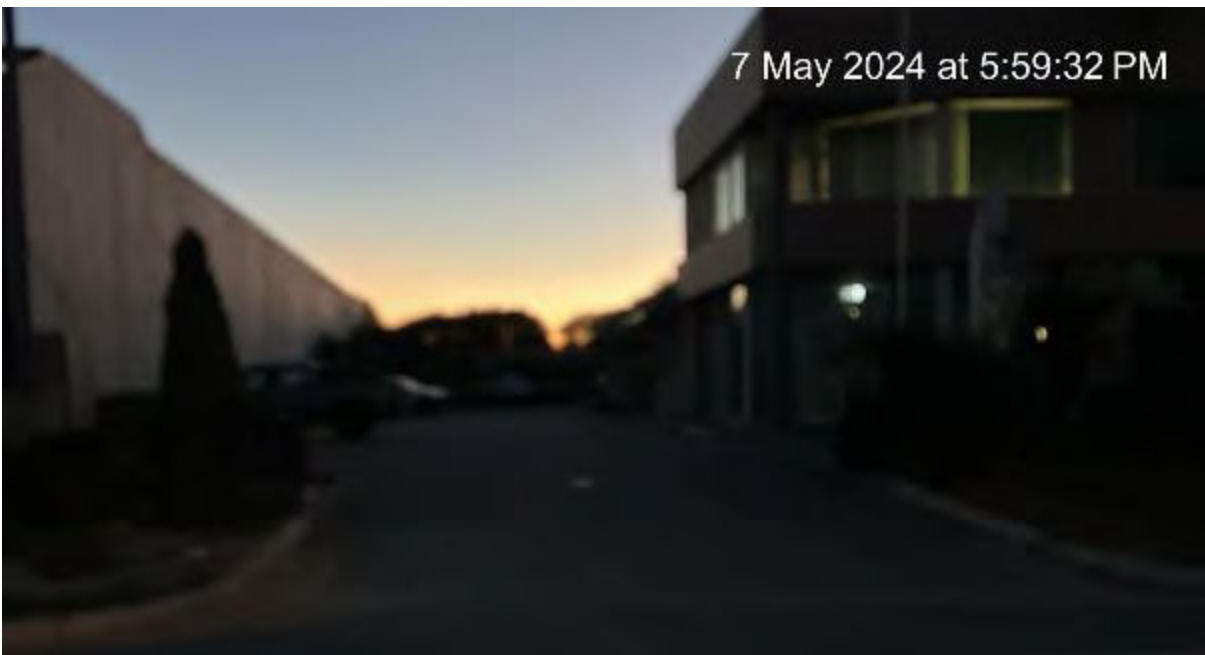
1721 A male departed 30 Oxleigh Drive in a grey Toyota sedan 1CZF 425.



1723 A male and Female walked from the direction of UNIT 2 on foot, moving from view and possibly picked up by a ride share vehicle.



1800 Operative KJ ceased surveillance at UNIT 1. No movement detected all day. An internal light was on.



1800 Operative BJ ceased surveillance at 30 Oxleigh Drive. There were no motor vehicles left on site and the roller door was secure on UNIT 2. The left side entry gate to the carpark was still open.



- 1832 Operative BJ commenced surveillance in the vicinity of POI 1 Masterman's residence at [REDACTED]. On arrival the red Daewoo registration 1BOS 259 was parked on the driveway. There was no overt activity, however the mail had been collected from the letterbox. Lights were on inside the residence.
- 2000 Operative BJ ceased surveillance at [REDACTED]. On departure the red Daewoo 1BOS 259 remained on site and internal lights were still on in the residence.



COMMENT AND RECOMMENDATION

The Element Zero facility at UNIT 2, 30 Oxleigh Drive, Malaga was attended by staff during the surveillance period. No staff attended the offices at UNIT 1, 19 Oxleigh Drive during the surveillance period.

A brief period of surveillance at POI 1 Maserman's residence was carried out and the residence appears occupied at this time.

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', with a long, sweeping horizontal stroke extending to the right.

ROBERT LANCASTER
DIRECTOR



For the use of client legal advisers - Privileged

10 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: 24.422.48

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 further period of surveillance

On Thursday 9 May 2024 the subject was observed with his wife and departed his residence in his vehicle. Contact was lost in traffic. Later the subject and his wife 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

VEHICLES: White Toyota Corolla Registration 1HID-902

THURSDAY 9 MAY 2024

0544 Operatives MP commenced surveillance in the vicinity of 4/213 Gildercliffe St, Scarborough. The subject's white Toyota Corolla 1HI-902 was parked in the car space beside subject's residence. The residence was in darkness with no activity.



0900 The subject exited his residence and walked to the mailbox around the corner from his residence. After checking the mailbox, he walked back to and entered his residence from view.



1035 The subject and his wife entered their Toyota Corolla and departed. Contact was lost when bus stopped all traffic when it stopped to pick up passengers from a bus stop.

1150 Operative arrived in the vicinity of the subject's residence. The subject's vehicle had not returned.

1245 The subject and his wife returned and parked outside their residence and exited the vehicle and entered the residence from view.



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

COMMENT AND RECOMMENDATION

The subject was observed at his residence with his wife 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, 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

11 May 2024

Darren Perry
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NSW 2000

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Phil McKeiver
phil.mckeiver@fortescue.com

Dear Darren,

YOUR REF: TBA
REF: ELEMENT ZERO FACILITY
OUR REF: 24.422.49

We thank you for your instructions in this matter and we now submit our further investigation and surveillance report for your perusal. In accordance with your instruction's investigations were carried out into a facility allegedly owned and operated by ELEMENT ZERO that was stated was in the Port Hedland area. With secondary surveillance of the Port Hedland area to attempt to locate POI 1 **MASTERMAN** and POI 2 **KOLODZIEJCZYK**

On Thursday 9 May and Friday 10 May 2024 Operative JS was deployed to Port Hedland as per urgent instructions to ascertain if POI 1 and or POI 2 was in Port Hedland and also to ascertain what, if any works have been commenced on a Element Zero facility that was alleged by Masterman.

SURVEILLANCE REPORT

SUBJECT: ELEMENT ZERO, MASTERMAN AND KOLODZIEJCZYK

LOCATION: Boodarie Strategic Industrial Park/Port Hedland

THURSDAY 9 MAY 2024

1234 Operatives JS arrived at Perth Airport as per instructions to travel to Port Hedland.



1314 Flight QF1644 departed Perth Airport.

1512 Operative JS arrived at Port Hedland airport. Organised hire vehicle to use for investigation and surveillance.

1631 Operative JS attended Boodarie Industrial area, Great Northern Highway, Boodarie. Signage identifying Boodarie Strategic Industrial Area was located 250m ahead on the right side. On arrival a road to the right side, Boodarie Station Access Road was investigated. Port Hedland Power Station was located on the left of Boodarie Station Access Road with entry via a private road. This was followed by the South Hedland Power Station also on the left side which is accessed via a private road.

Continue to travel past Power Stations and observe an area on the left which appears to be iron ore storage.

A male was observed locking up the area for the day and operative approached the male under a pretext regarding the development of area. The male stated he has not seen or heard of any development in the area. When asked about the 'Boodarie Strategic Industrial Area' the male had no idea what it was. Operative showed the male a photo of the signage from the roadway and he was still unaware what it was.

Continue to travel down Boodarie Station Access Road and observed Boodarie Sand Pit on the left side. The road ends shortly after becoming a dead end due to the railway line. Various photos taken down the left and right side of Boodarie Station Access Road to show no development occurring.





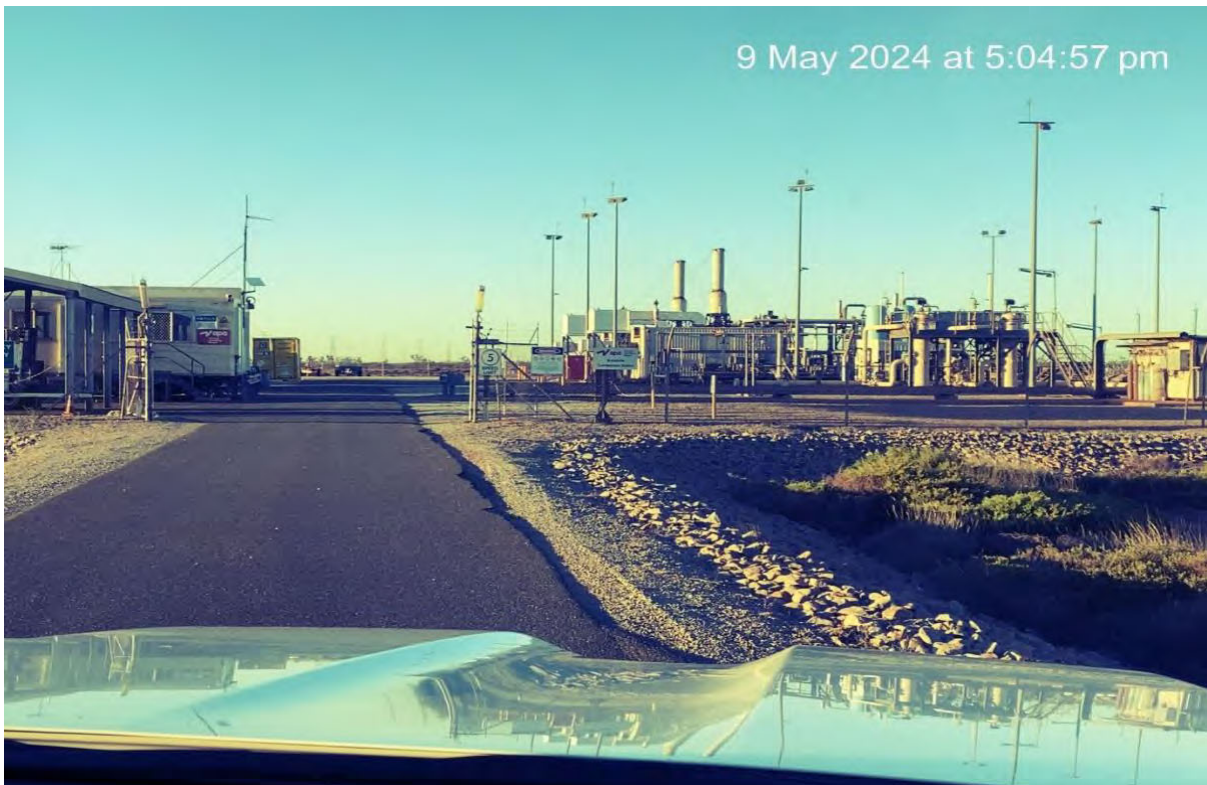




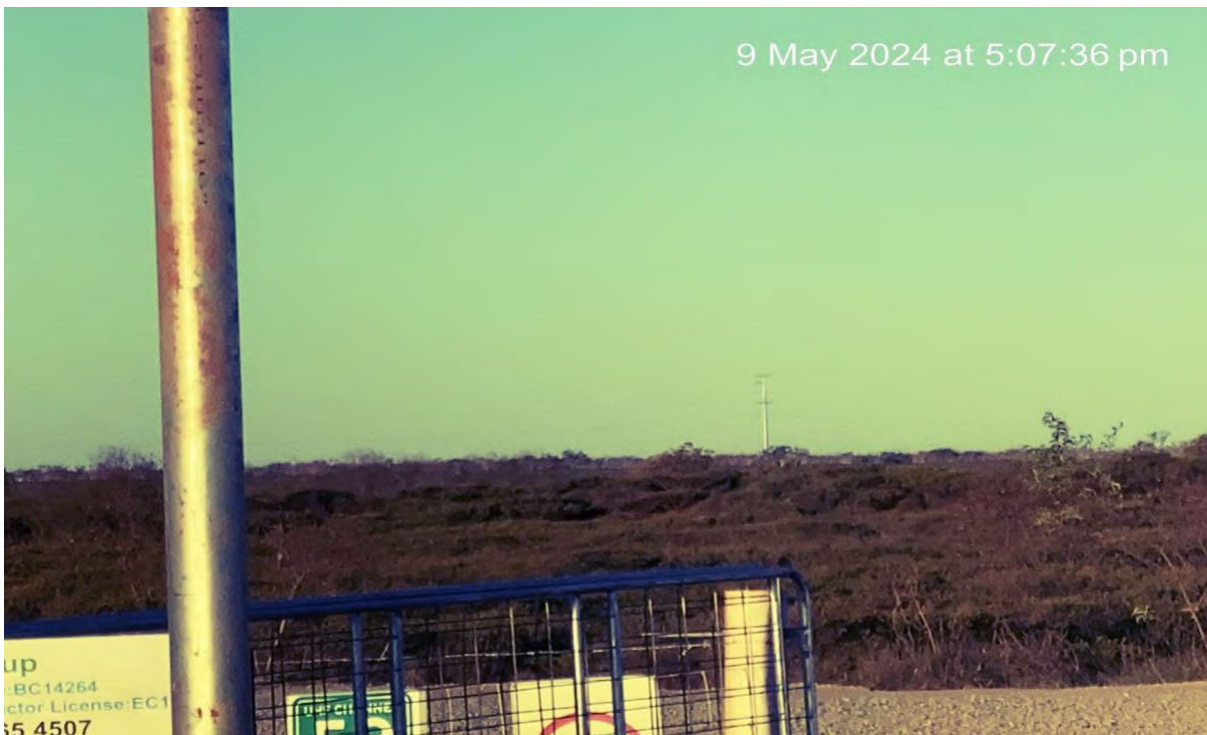




1704 Photo of only property on the right-hand side entering Boodarie Station Access Road, APA Port Hedland (directly opposite Port Hedland Power Station).



1707 Operative returned to Great North Highway and travelled south for approximately 800m. It was noted an area was construction area. Identify construction company as Monford Group. Background investigations confirmed the company is the construction company for the Port Hedland Solar Farm which is believed to be owned by BHP. It was noted on other Google and Google Map searches a Solar Farm is indicated as being at the site.



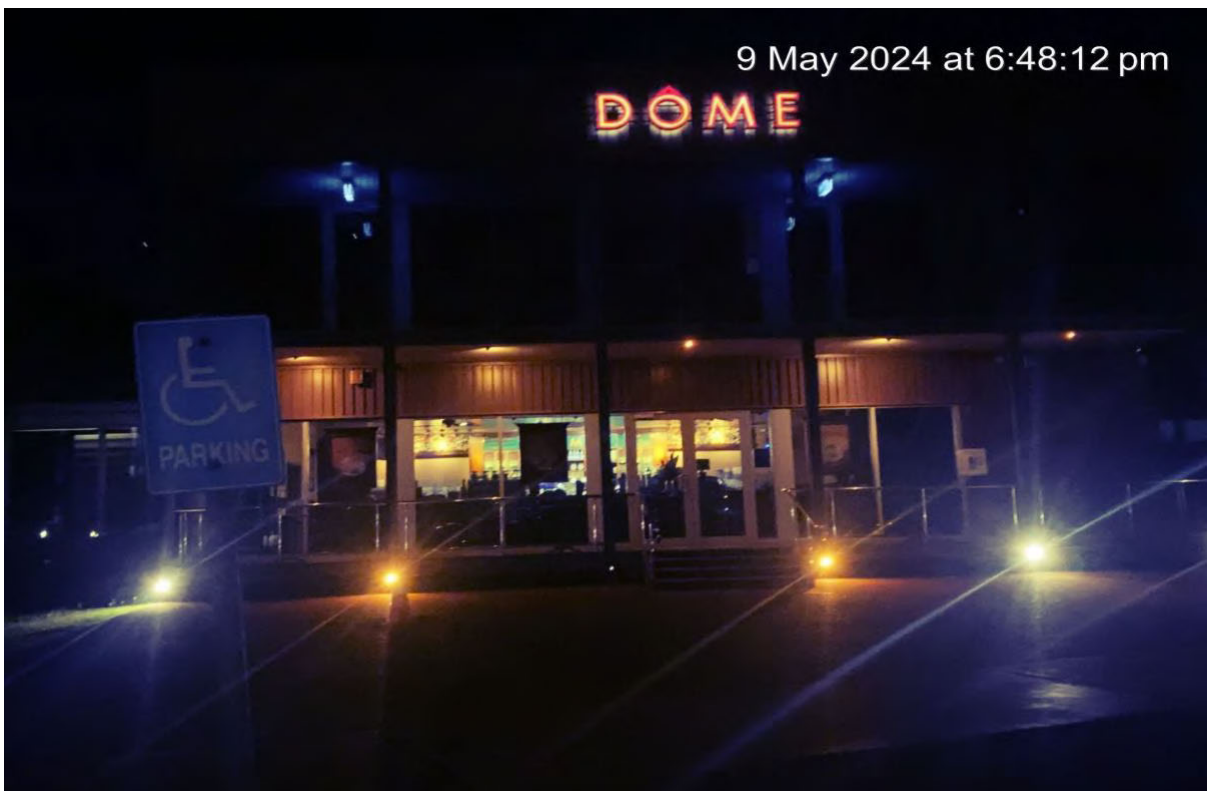
1741 Operative returned to South Hedland and attend Wedgefield Industrial area. The industrial area can be accessed by the Great Northern Highway or Powell Road, both entrances turn into Pinga Street. There are numerous other small dirt roads that enter some areas. Operative conducted an extensive search and identify various lots of land and buildings for sale.

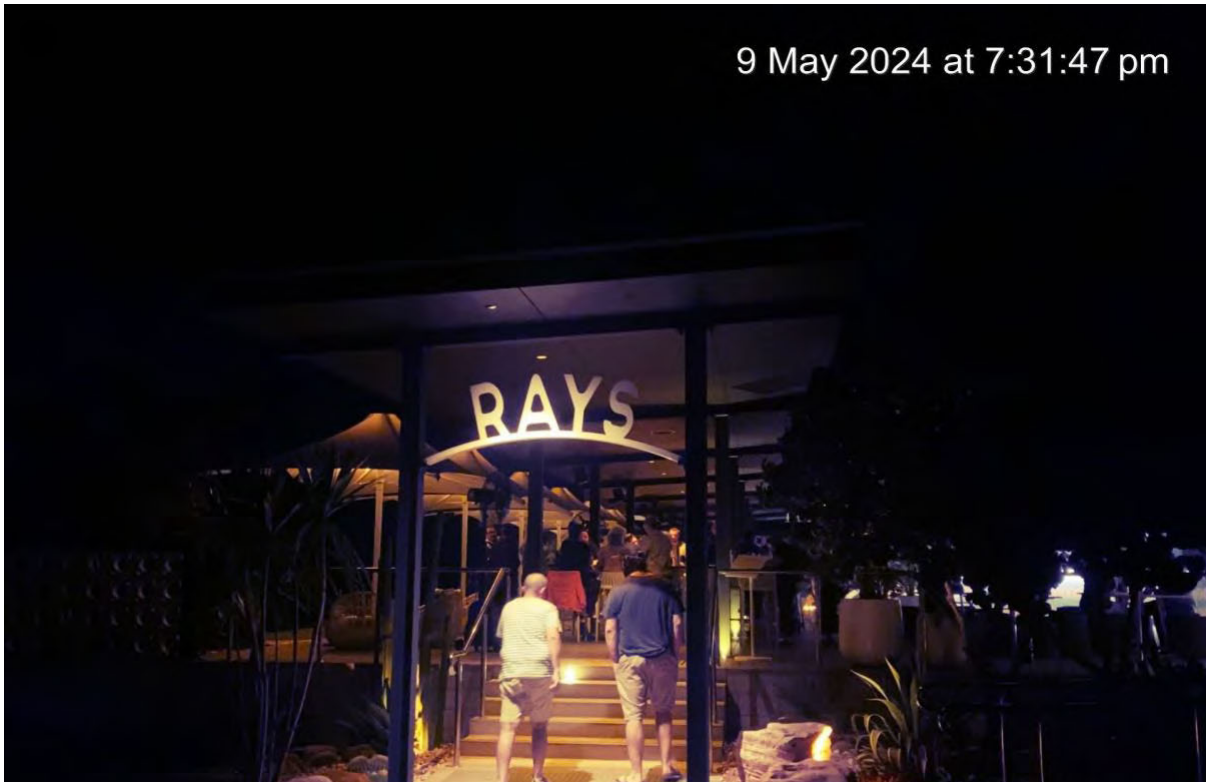




1831 Operative returned to Port Hedland and conducted extensive search of the main town, restaurants, hotels, pubs and shops.

Operative continued to conduct extensive surveillance of the local area and returned to numerous locations a second time and POI 1 and or POI 2 were not observed.





2000 Operative JS ceases surveillance and attended accommodation.

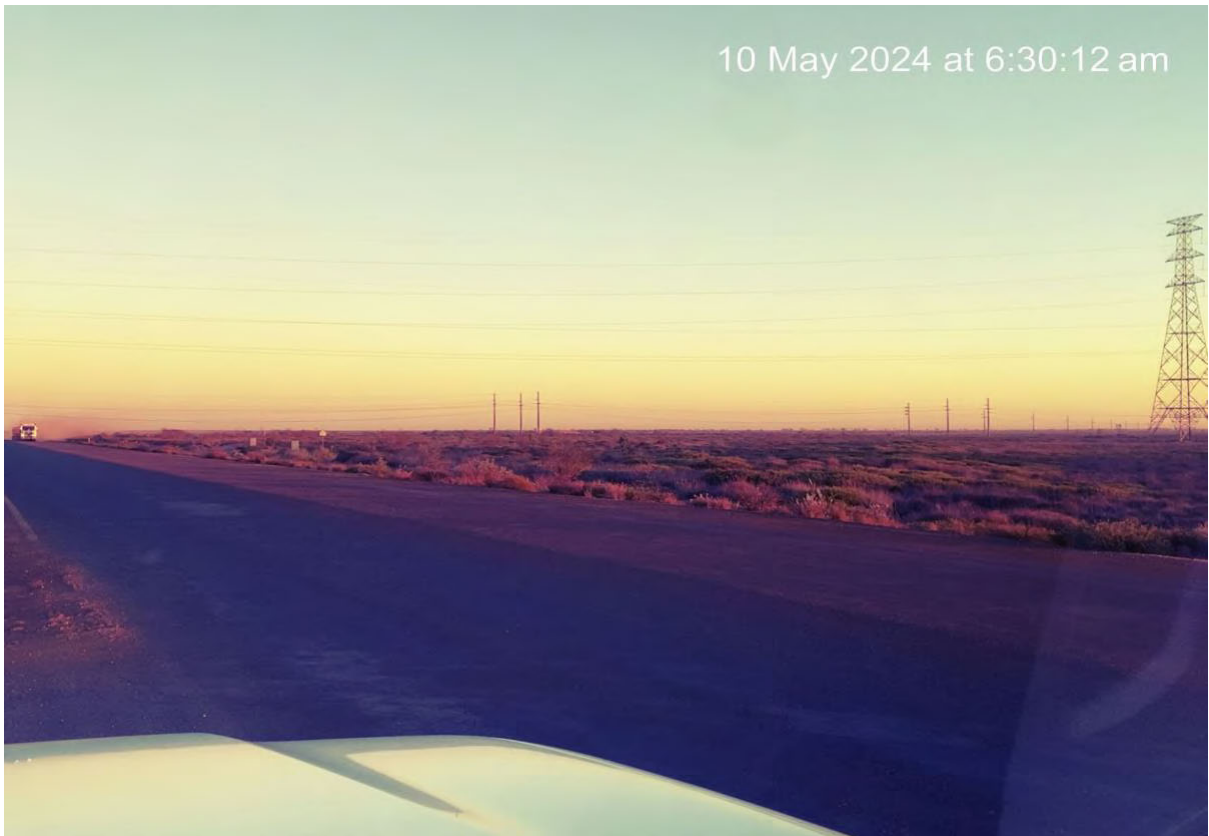
FRIDAY 10 MAY 2024

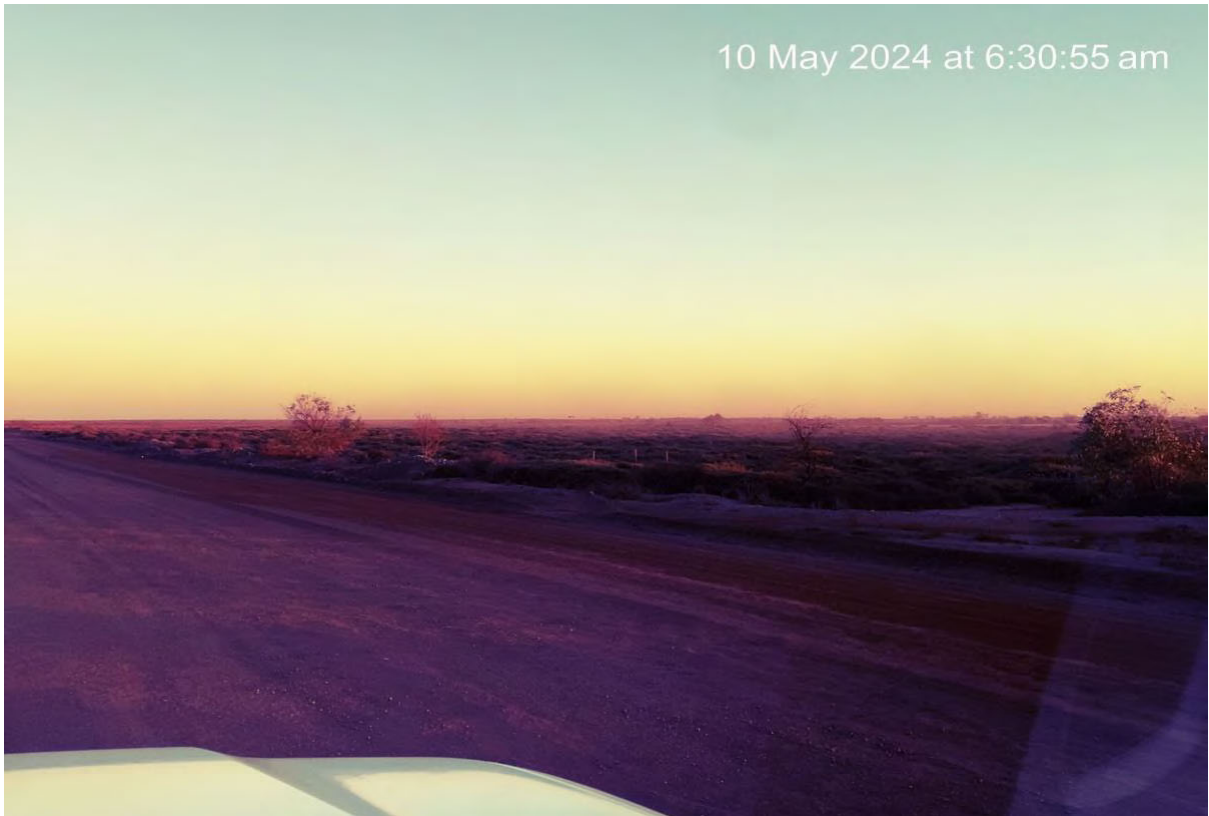
0600 Operative JS departed accommodation and attended the Boodarie Strategic Industrial Estate.

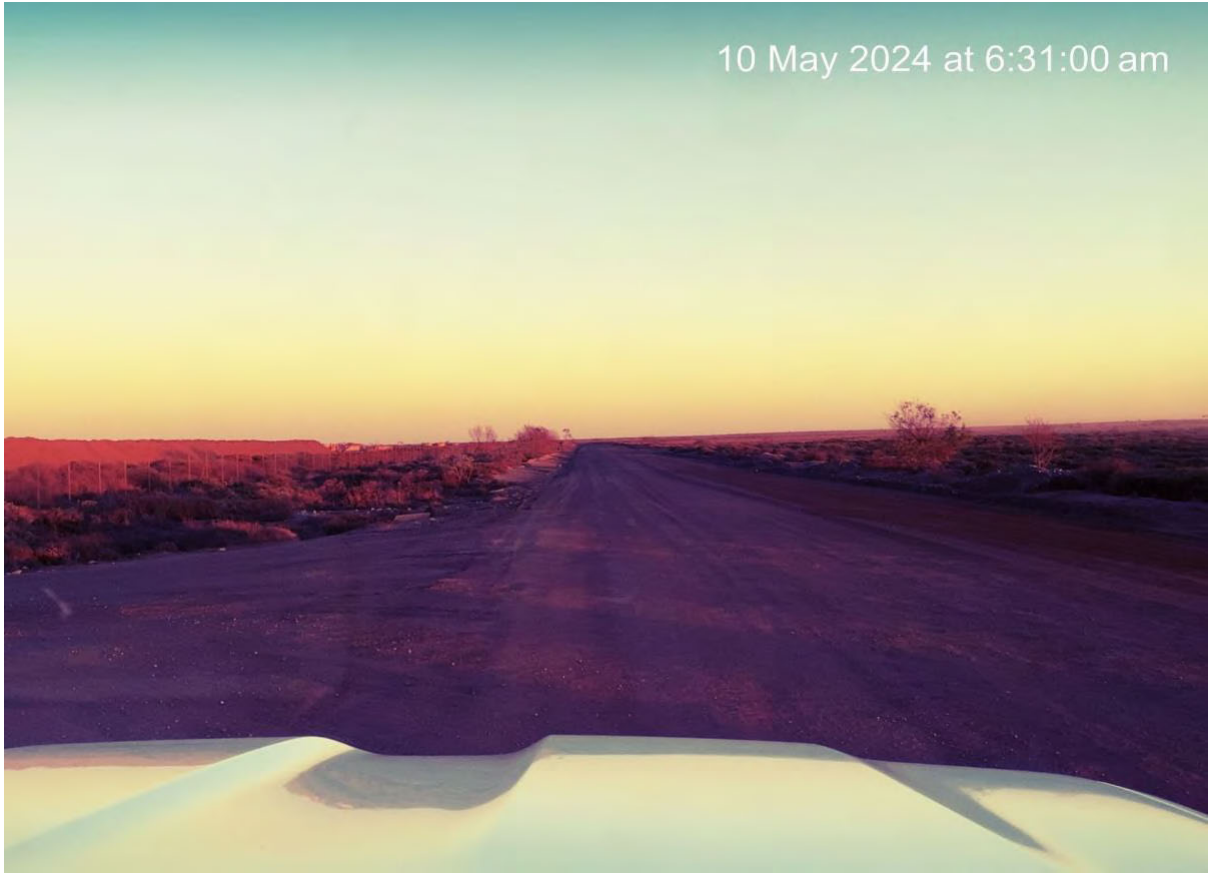
0623 Arrived at Quartz Quarry Road indicating road to FMG Thomas Yard, this is 2.4km short of Boodarie Station Access Road. Operative continued to Boodarie Station Access Road and further extensive searches were conducted and evidence or signage indicating Element Zero was located and POI 1 and or POI 2 were not observed in the area.

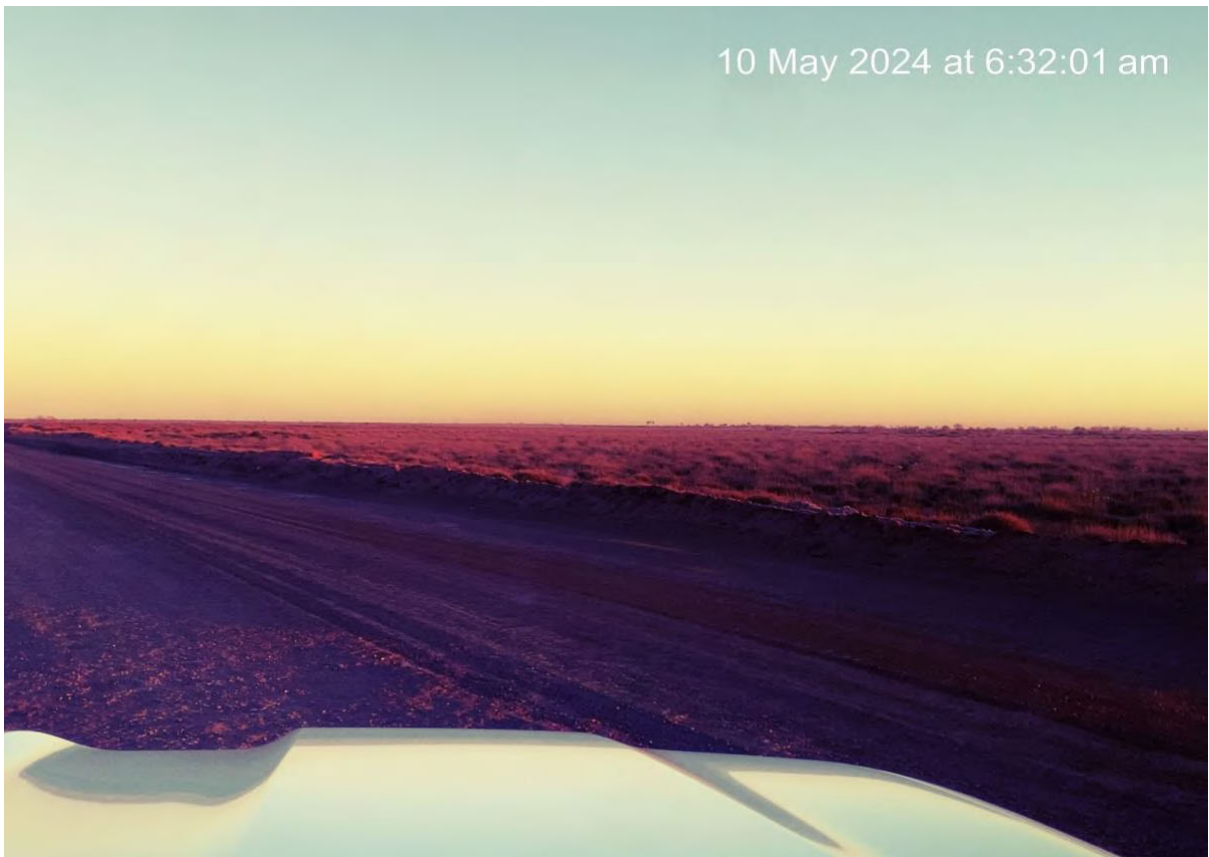
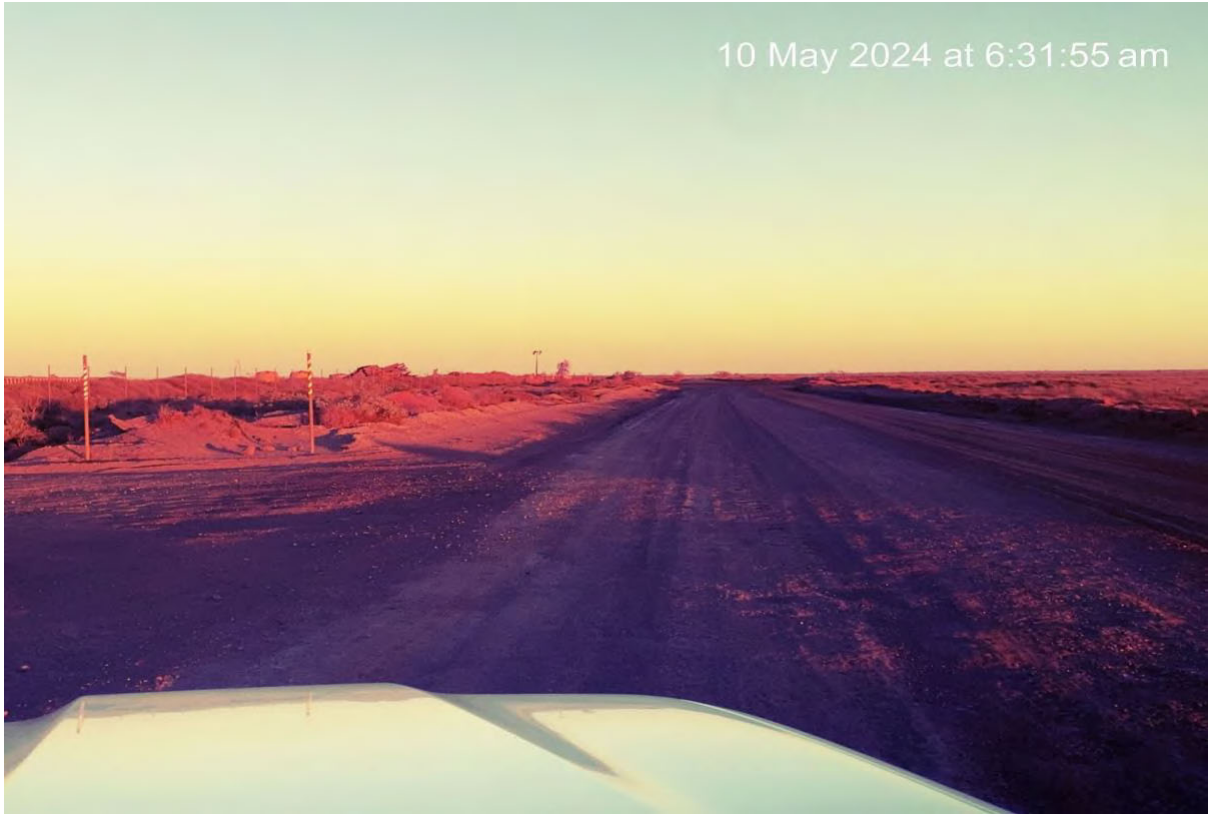












0645 Identified there is no development or construction occurring anywhere along Boodarie Station Access Road. Operative JS ceases surveillance. Travel to Port Hedland Airport.

0800 Arrive at Port Hedland Airport for return flight to Perth.

FURTHER INVESTIGATION

Further investigations with the WA LTO revealed Element Zero does not own property in WA in the company name.

We obtained a submission relating to another company not associated with Element Zero relating to proposed works at the Boodarie Strategic Industrial Park which is attached to highlight the process Element Zero would be required prior to any works being undertaken in the Industrial Park.

COMMENT AND RECOMMENDATION

Investigations at Port Hedland and the Boodarie Strategic Industrial Park have revealed no evidence of any works or signage associated with Element Zero.

Extensive searches and surveillance failed to locate either MASTERMAN or KOLODZIEJCZYK.

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

Regards

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

ROBERT LANCASTER
DIRECTOR



For the use of client legal advisers - Privileged

11 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: 24.422.50

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 Friday 10 May 2024 the subject was not observed at his residence. The subject's wife and child were both observed 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**

FRIDAY 10 MAY 2024

0553 Operative CRS arrived in the vicinity of 5A Volga Street, Hadfield, Victoria 3046. On arrival no movement was detected. The subject's white Hyundai I30 hatchback registration 1IF-5EQ was parked on the driveway.



1029 The front door opened, and the subject's child exited carrying a pair of runners. She walked out to the nature strip where she is observed emptying some sand from the runners. She then runs back indoors. The subject's wife watched from the front door.

1036 The subject's wife and young daughter exited the residence and departed in the Hyundai I30.



1215 The subject's wife returned to the residence as a sole occupant of the white Hyundai. She exited the vehicle and entered the residence from view.



1242 An unknown female arrived at the residence carrying an UBER EATS bag and delivers the item to the subject's residence and then departed.



1300 Operative GRK arrived and Operative CRS departed.

1540 The subject's wife departed from the residence in the white Hyundai. Surveillance maintained on the residence.



1728 The subject's wife and child returned in the Hyundai and exited the vehicle and entered the residence from view.



1949 Lights came on in the front of the residence. No movement detected.



2000 Lights were still on inside the front rooms of the ground floor. No further movement. 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

ROBERT LANCASTER
DIRECTOR



For the use of client legal advisers - Privileged

11 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: 24.422.51

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 further period of surveillance

On Friday 10 May 2024 the subject was observed to attend his local gym and return to his residence. Later the subject departed his residence on foot with his wife and walked to a local café where he ordered food. After consuming the meal, the subject walked back to his residence with his wife 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

VEHICLES: White Toyota Corolla Registration 1HID-902

FRIDAY 10 MAY 2024

- 0607 Operative MP commenced surveillance in the vicinity of 4/213 Gildercliffe Street, Scarborough. The subject's white Toyota Corolla 1HI-902 was parked in the car space beside the subject's residence. The residence was in darkness with no activity.
- 0745 Second Operative AH arrived to cover the exit of Kulin Lane to Gildercliff Street. Operative MP covering Exit of Kulin Lane to Westview Street.
- 0830 A close check of the residence revealed no change and no activity.



0944 The subject departed his residence on foot dressed in casual gym gear carrying a towel and was followed a short distance to a gym 'Coast Fitness' 165 Gildercliffe Street.

1043 The subject exited the gym and returned to his residence.



1140 The subject and his wife exited their residence and walked to Scarborough Beach Road and entered the 'Seaview Café' and sat at an outdoor table and ordered food and coffee/tea.



1221 The subject and his wife exited the Little Seaview Café and walked back to their residence holding hands and entered the residence from view.



1404 A walk past the residence revealed no activity.



1607 A walk past the residence revealed no activity.



1800 No further activity, Operative AH ceased surveillance. Operative MP maintained surveillance of the residence.

2000 No further activity and the subject and his wife remained inside the residence. Ceased surveillance.

COMMENT AND RECOMMENDATION

The subject was observed at his residence with his wife 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, stylized loop followed by a long, thin horizontal stroke extending to the right.

ROBERT LANCASTER
DIRECTOR



For the use of client legal advisers - Privileged

11 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: 24.422.52

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 10 May 2024 activity was observed at UNIT 2, 30 Oxleigh Drive and previously observed staff were observed arriving and departing the facility. Activity was observed at UNIT 1, 19 Oxleigh Drive where works appeared to have been carried out within the offices.

SURVEILLANCE REPORT

LOCATION:

ELEMENT ZERO

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



SECONDARY ADDRESS:

Office building 19 Oxleigh Drive Malaga, WA

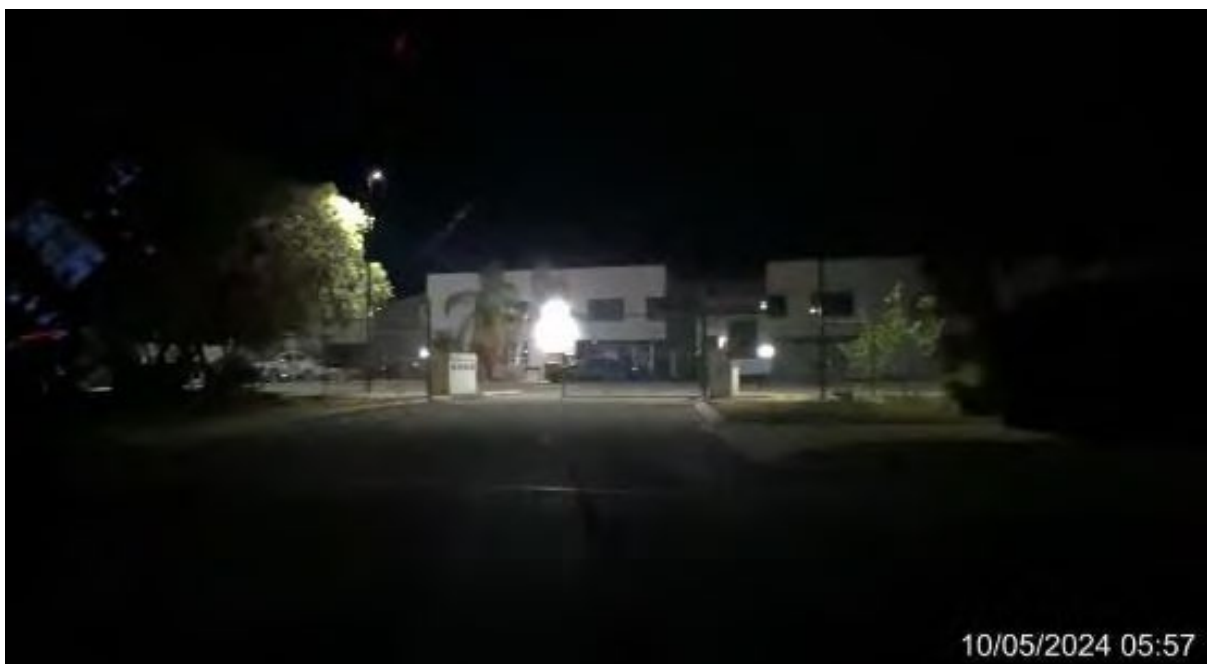


FRIDAY 10 MAY 2024

0549 Operative KJ commenced surveillance in the vicinity of UNIT 1, 19 Oxleigh Drive. The offices were in a secure state with a security light on inside and no vehicles parked next to the building.



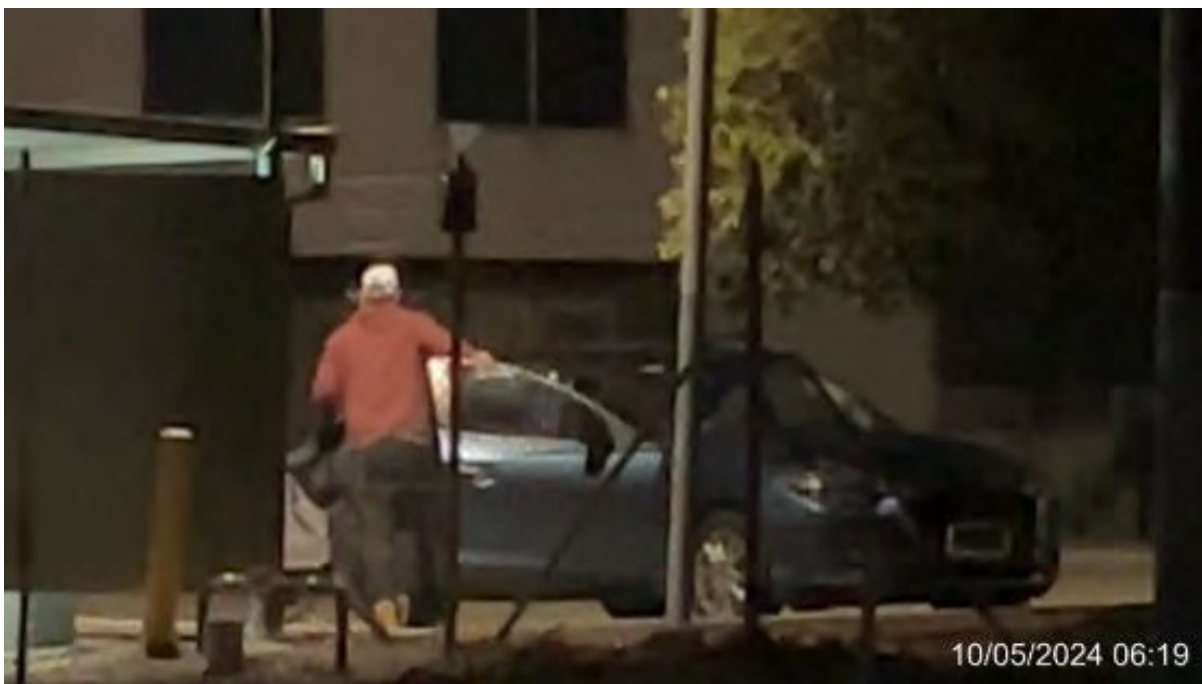
0557 Operative AS arrived in the vicinity of UNIT 2, 30 Oxleigh Drive, Malaga. The main gate was open and the white Audi 1GPX 208 arrived and parked in the carpark and the grey Honda 1GAU038 and black Mazda 1HZP 794 were already parked in carpark. UNIT 2 roller door was up and activity appeared to be taking place as movement was detected.



0559 The Audi driver exited his vehicle dressed in shorts and usual green cardigan and walked to, and entered UNIT 2.



0619 A blue Mazda 1PGN 596 arrived and a male exited the vehicle dressed in an orange jumper, cap and dark pants and walked to UNIT 2.



0631 The silver BMW 1HXT 479 arrived and male staff member Asian driver exited the vehicle and entered UNIT 2.

0632 An ALS Geochemistry Tray Utility arrived from next door. The vehicles frequent the laneway at UNIT 2 during the day.



0647 A silver 1HKV 898 Ford Utility arrived and the male driver wearing a HiVis jumper exited the vehicle and entered UNIT 2.

0710 A white Hilux 1GPD 592 arrived and a male exited the vehicle wearing a HiVis jacket and carried a back pack into UNIT 2.



0723 The blue Kluger 1HDE 250 arrived and an Islander female exited the vehicle and entered UNIT 2.

0729 The grey BMW 1HTM 702 arrived and the Asian male driver exited the vehicle and entered UNIT 2.



0744 The blue BMW X5 1GXC202 arrived. The male Caucasian bearded driver exited the vehicle and entered UNIT 2.

0814 The White Hyundai 1GLK 653 arrived. Anna WARRINGTON, Senior Scientist at Element Zero exited the vehicle and entered UNIT 2.

0817 The Grey Toyota Hilux, 1GWC 458 arrived and the male driver wearing a HiVis shirt exited the vehicle and entered UNIT 2 carrying a backpack. An Asian male also arrived on foot carrying a backpack and entered UNIT 2.



0822 The white Kia 1HFD 567 arrived and Phillip May, Laboratory Technician, Element Zero exited the vehicle and entered UNIT 2.



0823 The Silver RAV4 1DR 680 arrived and Kethaki WICK. Electrochemical Engineer at Element Zero exited the vehicle and entered UNIT 2 carrying a backpack and handbag.



0836 The dark blue/black Mercedes arrived and Nicholas Megalos, Principal Process Engineer at Element Zero exited the vehicle and entered UNIT 2.



0856 The silver Murano 1DAZ 045 arrived and the male Asian driver exited the vehicle and entered UNIT 2



0905 The black Camry 1CPP 350 arrived and the long hair male Asian driver exited the vehicle and entered UNIT 2.

0926 An ALS Geochemistry White Mitsubishi Triton Ute 1GTQ 200 arrived and parked near UNIT 2 and exited the carpark several minutes later.



- 0927 A dark grey Toyota Yaris 1CZF 425 arrived and a male wearing a HiVis jacket exited the vehicle and entered UNIT 2 carrying a backpack.
- 0932 A motorbike arrived at speed and drove over to the laneway of UNIT 2. The rider could not be identified and it could not be confirmed if they went into UNIT 2.
- 0941 The white Mazda 1EEN 549 and the male grey haired balding staff member exited the vehicle and entered UNIT 2. Warrington exited UNIT 2 and departed in the White Hyundai heading south.



1052 Warrington returned and removed numerous items out of the boot of the vehicle and carried the items to UNIT 2 assisted by Kethaki Wick.



1102 The silver Ford utility and black Camry 1CPP 350 departed the carpark.

1134 The silver Subaru BRZ arrived 1EKM 420. Grey haired male with glasses exited the vehicle and entered UNIT 2



1141 The Nissan Murano 1DAZ 045 departed 30 Oxleigh Drive.

1146 The black Camry returned. To 30 Oxleigh Drive.

1218 A van with 'Protector Fire Services' arrived and parked outside UNIT 1, 19 Oxleigh Drive. A female exited the van and walked to and knocked on the door of UNIT 1. No one answered the door, the unknown female returned to her vehicle and drove off.



1226 The blue X5 departed 30 Oxleigh Drive.

1241 The silver Subaru BRZ 1EKM 420 departed 30 Oxleigh Drive.



1314 The silver Utility 1CWC 458 departed 30 Oxleigh Drive.



1324 a van with 'Office Plus Home and Office Maintenance' signage written on the side parked in front of UNIT 1, 19 Oxleigh Drive. A male exited the vehicle and entered through the front door and switches on the internal light.



It is Note he must have been provided the security code for the keypad access lock. The male then returned to his vehicle and retrieved numerous items from the back including a bucket, drop sheet and tools and returned inside the premises.



1332 The BMW X5 returned and a male with a beard exited the vehicle and entered UNIT 2.



1350 The male appeared to finish his work at UNIT 1, 19 Oxleigh Drive and exited the premises and packed his tools in his van. He then switched off the internal office lights and closed the office door and entered his vehicle and departed.





1352 A drive-by noted a silver tray Utility parked outside UNIT 2.



1418 The driver of the white Audi 1GPX 231 exited UNIT 2 carrying a backpack and loaded the backpack in the boot of his vehicle and then departed.



1425 The blue Mazda 1GPN596 departed.

1431 The silver BMW 1HXT 479 with the Asian male driver departed.

1432 The ALS Geochemistry Utility departed.

1503 The silver Ford Falcon Utility 1HKB 898 departed.



1540 The silver 2 series BMW 1HTM 702 with the Asian driver departed.



1614 Phillip MAY departed in the Kia.



1622 Anna WARRINGTON departed in the Hyundai.



1624 The Silver RAV4 with Wicks departed.



1625 The white Hilux 1GPD 502 with the bearded male staff member departed.

1652 The motorbike departed at speed.

1705 The silver Nissan Murano departed.



1712 A female with long hair wearing a black shirt and leggings exited UNIT 2 on foot. She had not been sighted previously. The female was followed to 32 Oxleigh, the premises occupied by ALS Geochemistry.



1713 The black Camry1CPP 350 departed.



1714 Nicholas Megalos departed in his Mercedes.



1718 The Imprezza 1DJL 182 with the male asian driver departed.



- 1721 The grey Toyota Yaris 1CZF 425 departed and is the last vehicle associated with UNIT 2 to depart.
- 1724 All roller doors are closed in the laneway of Unit 2. A black Mercedes was still parked at 30 Oxleigh and a male of African appearance was observed to enter Unit 1 earlier in the day.
- 1800 Operative AS ceased surveillance.
- 1800 No further movement or activity at UNIT 1, 19 Oxleigh Drive. A security light was left on inside the offices. Operative KJ ceased surveillance.



COMMENT AND RECOMMENDATION

The Element Zero facility at UNIT 2, 30 Oxleigh Drive, Malaga was attended by staff during the surveillance period. No staff attended the offices at UNIT 1, 19 Oxleigh Drive during the surveillance period however it appeared that work had been carried out in the offices by a contractor.

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 grey grid background.

ROBERT LANCASTER
DIRECTOR



For the use of client legal advisers - Privileged

11 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: MASTERMAN –
[REDACTED]
OUR REF: 24.422.53

We thank you for your instructions in this matter and we now submit our further surveillance report for your perusal. In accordance with your further instructions the subject Michael MASTERMAN was placed under a period of surveillance. Both the subject's addresses in [REDACTED] were placed under surveillance.

On Thursday 9 May 2024 activity was observed at the [REDACTED] address and on Friday 10 May 2024 activity was observed at both the [REDACTED] addresses however the subject was not observed.

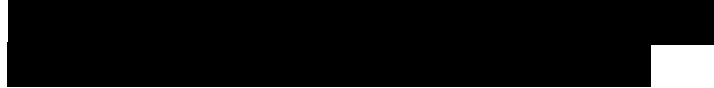
SURVEILLANCE REPORT

SUBJECT: MICHAEL GEORGE MASTERMAN



DATE OF BIRTH 07/01/1963

ADDRESS:

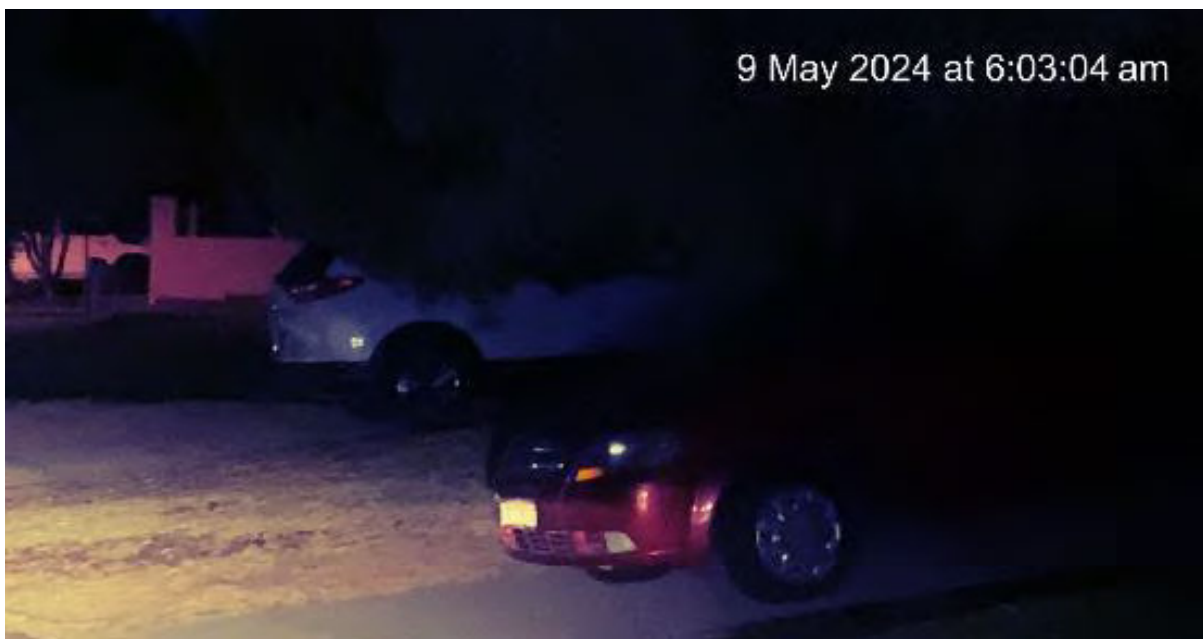


VEHICLES: TBC

THURSDAY 9 MAY 2024



0600 Operative JS commenced surveillance in the vicinity of [REDACTED]
On arrival the residence was in darkness. The previously observed Daewoo 1BOS-259 was parked in the driveway.





0914 No movement detected.



1030 Operative JS ceased surveillance redeployed and departed for Perth Airport to conduct investigations in Port Headland WA.

1054 Operative MP conducted a drive past [REDACTED] and noted the front door was an open and a white Mitsubishi Colt WA registration BY-312T was parked on the front lawn.



1100 An elderly female departed alone driving the Mitsubishi Colt BY-312T and was followed to an Office Works store car park located at Osbourne Park. The female exited her vehicle and then entered the Officeworks store. Operative attended to obtain an ID photo. Operative MP ceased surveillance and returned to POI 3 surveillance.



1832 Operative BJ commenced surveillance in the vicinity of POI 1 Masterman's residence at [REDACTED]. On arrival the red Daewoo registration 1BOS 259 was parked on the driveway. There was no overt activity, however the mail had been collected from the letterbox. Lights were on inside the residence.

2000 Operative BJ ceased surveillance at [REDACTED]. On departure the red Daewoo 1BOS 259 remained on site and internal lights were still on in the residence.



THURSDAY 9 MAY 2024

[REDACTED]

0525 Operative JW arrived in the vicinity [REDACTED]. No lights were in inside the residence and the previously observed Fiat was parked inside the driveway behind the locked gate. It was noted the Grace Storage trailer was no longer at the residence.



0833 A close check of the residence revealed no activity.



2000 No activity was observed at the residence. No lights were on inside the residence. Ceased surveillance.

FRIDAY 10 MAY 2024

[REDACTED]

0559 Operative BJ commenced surveillance in the vicinity of [REDACTED]. On arrival the external light was illuminated on the front patio. The previously observed red Daewoo registration 1BOS 259 was parked on the driveway. No activity was observed.



0812 A walk by revealed no activity observed at the front and rear of the residence.



0919 A walk by revealed no activity observed at the front and rear of the residence.



1114 A drive past the property revealed a male in his 20's with gardening sheers entering the yard. The male is described as Caucasian, tall and lean build with dark hair and moustache, dressed in work clothes and boots. A drive around the rear laneway failed to locate an obvious vehicle to connect to the male.



1234 A grey Hyundai i30 hatch 1HTC 847 was parked on the lawn next to the subject's residence. The vehicle was later discounted as a resident at another property had parked the car at that location.



1323 The previously observed elderly female arrived in the white Mitsubishi Colt BY 312T and parked on the front lawn outside the residence and moved from view.



1326 A perimeter check noted the green waste wheelie bin was now positioned at the kerb for collection within Ozone Pde at the rear of the residence.



1405 The previously observed elderly female with grey hair exited from the front yard and departed the subject's residence unaccompanied in the white Mitsubishi Colt BY 312T.



1416 The elderly female returned briefly to the residence and departed again in her vehicle.

1428 Operative BJ commenced observations at the back of the residence from [REDACTED].

1530 Operative JS recommenced surveillance in the vicinity of the front of [REDACTED], [REDACTED].

2000 Operatives BJ and JS ceased surveillance at [REDACTED]. There had been no further activity. The red Daewoo 1BOS 259 remained parked on the driveway. The external light was on.

FRIDAY 10 MAY 2024

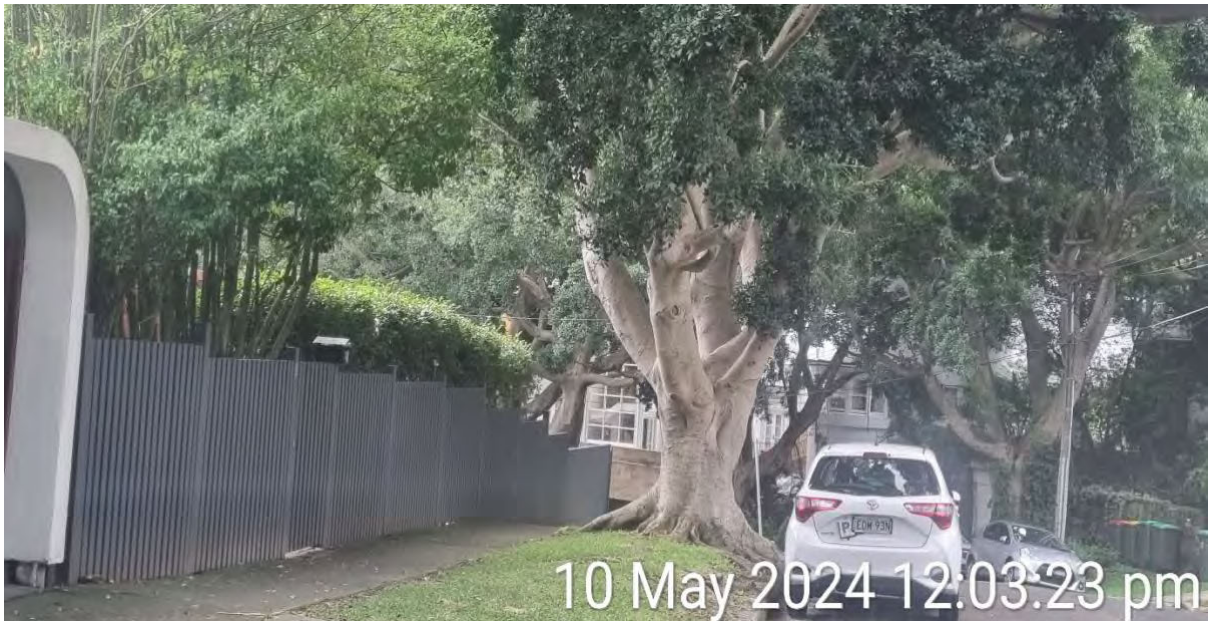
[REDACTED]

0557 Operative JW arrived in the vicinity [REDACTED]. No lights were in inside the residence and the previously observed Fiat was parked inside the driveway behind the locked gate.





1203 No activity had been observed at the residence all morning.



1624 An unknown Caucasian female aged early 30's with shoulder length hair, slim build, approximately 165cm tall with two small children was observed briefly as she entered the residence using the side gate and moved from view. Several minutes later lights were put on inside the residence.

1729 The female and two children were observed briefly as they exited the side gate and walked from view. Lights were left on inside the residence.



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

COMMENT AND RECOMMENDATION

The subject has not been observed to attend his [REDACTED] residences.

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

12 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: 24.422.54

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 11 May 2024 no activity was observed at UNIT 2, 30 Oxleigh Drive or UNIT 1, 19 Oxleigh Drive.

SURVEILLANCE REPORT

LOCATION:

ELEMENT ZERO

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



SECONDARY ADDRESS: Office building 19 Oxleigh Drive Malaga, WA

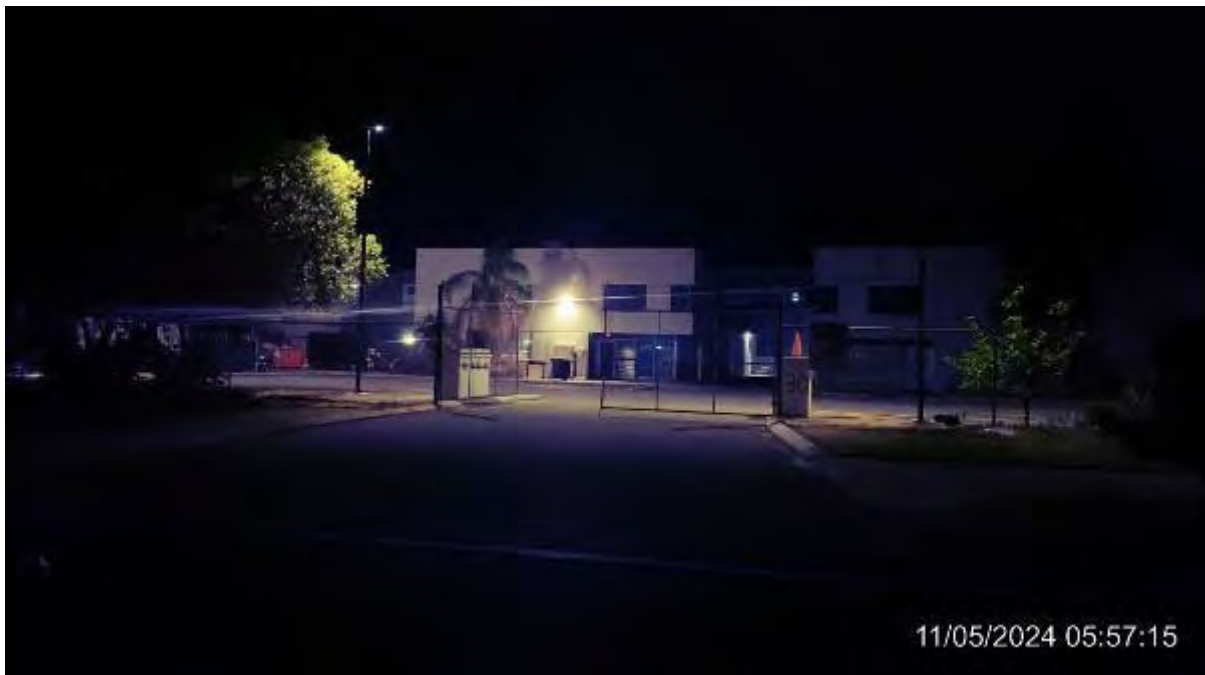


SATURDAY 11 MAY 2024

0552 Operative KJ commenced surveillance in the vicinity of UNIT 1, 19 Oxleigh Drive. The offices were in a secure state with a security light on inside and no vehicles parked next to the building.



0557 Operative BJ commenced surveillance in the vicinity of UNIT 2, 30 Oxleigh Rd. On arrival the carpark was vacant and the building was in darkness with no obvious sign of activity. The front gate was unlocked.



- 0807 A grey Mitsubishi Pajero wagon (1H NL007) arrived and parked in front of the building at UNIT 1, 19 Oxleigh Dr. A female and child exited the vehicle and attended the dance studio across the road.
- 0901 A grey Isuzu MU-X wagon (1GPZ 302) entered 30 Oxleigh Drive and drove around the carpark and then departed.
- 0941 A red MG wagon arrived and parked in the carpark at 30 Oxleigh Drive. The occupants entered the Church at Unit 1.



- 0957 A male arrived at 30 Oxleigh Dr in a white Toyota Hilux registration 1CPP 135. Vehicle had signage indicating 'BP Direct Pest Control'. The vehicle parked away from UNIT 2 and was believed to be providing services to the church at Unit 1. The vehicle departed 40 minutes later.
- 1019 A white Suzuki SUV 11CP 353 arrived and parked at 30 Oxleigh Drive. A young female exited the vehicle and entered the church unit 1.
- 1108 A close check of UNIT 2, 30 Oxleigh Drive noted all roller doors were secure.
- 1150 A white Hyundai ix35 SUV and a white MG3 hatch (1HAH 728) entered the carpark. A drive-by showed the occupants attended the 'Chosen Youth' Christian church group at Unit 1.
- 1312 The grey Mitsubishi Pajero wagon 1H NL007 remained parked outside Unit 1, 19 Oxleigh Drive.



1440 The grey Mitsubishi Pajero wagon 1H NL007 departed the carpark of UNIT 1, 19 Oxleigh Drive.

1800 Operative BJ and KJ ceased surveillance at 19 and 30 Oxleigh Dr, Malaga. There had been no sighting of any previously identified vehicles, staff or persons of interest at either UNIT 1 or UNIT 2 throughout the surveillance period.



COMMENT AND RECOMMENDATION

No activity was observed at the Element Zero facility at UNIT 2, 30 Oxleigh Drive, and no activity was observed at the offices at UNIT 1, 19 Oxleigh Drive 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, 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

12 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: 24.422.56

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 further period of surveillance

On Saturday 11 May 2024 the subject, his wife and the young Asian female were observed at the subject's residence. The subject departed his residence with his wife and young female as passengers in his vehicle and contact was lost at changing traffic lights. Later the subject returned to his residence with his wife and young female 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
VEHICLES: White Toyota Corolla Registration 1HID-902

SATURDAY 11 MAY 2024

- 0607 Operatives AS and MP commenced surveillance in the vicinity of 4/213 Gildercliffe Street, Scarborough. The subject's white Toyota Corolla 1HI-902 was parked in the car space beside the subject's residence. The residence was in darkness with no activity.
- 1057 The subject and his wife and the previously observed teenage Asian female exited the residence and entered the Toyota Corolla registration 1HID-902 and departed and were followed.



- 1115 The subject drove through a changing amber traffic light and contact was lost. Operatives conducted searches along Anzac Street to Mount Hawthorn and the Freeway South towards Perth CBD and the subject and or his vehicle were not located. A grid search was carried out by both operatives and all locations the subject had attended previously were checked. The subject and or his vehicle were not located.
- 1220 Operative MP returned to the subject's residence and found the subject's vehicle had not returned. A further grid search of the local area was then conducted to locate the subject and or his vehicle.



- 1514 Operative MP arrived back at the subject's residence and the subject's vehicle had not returned. Operative AS continued the grid search and checked all previously attended locations.
- 1525 The subject's vehicle arrived and parked outside the residence (obscured view). The subject exited the driver's side door and his wife and the young Asian female also exited the vehicle and entered the residence from view.
- 1902 External lights were put on and movement was briefly detected outside of the subject's residence. The external and internal lights remained on.



- 2000 The external and internal lights remained on. No further movement detected. Ceased surveillance.

COMMENT AND RECOMMENDATION

The subject was observed at his residence with his wife and the young Asian female 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



ROBERT LANCASTER
DIRECTOR

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

QFM1 (a pseudonym) and Ors
Applicants

RAB1 (a pseudonym) and Ors
Respondents

ANNEXURE PAD-9

This is the annexure marked **PAD-9** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his Third Affidavit on 14 May 2024.

Before me:



Rohit Dighe

From: Lancaster, Robert <robert@lancasters-global.com>
Sent: Sunday, 12 May 2024 8:34 PM
To: Perry, Darren; Adrian Huber; Phil McKeiver
Subject: KOLODZIEJCZYK REPORT

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Darren,

KOLODZIEJCZYK has been observed on Saturday and Sunday at his residence.

I am waiting on the notes from one of the operatives to come in, however I have debriefed the operatives and have had a constant flow of updates on his movements.

I will get the report over tomorrow.

Robert Lancaster
Managing Director
Lancasters
Int Tel 61 2 8095 6377
<http://www.lancasters-global.com>

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0m01s

179



16:34

12. 5. 2024

0h 00m 01s



17:22

11. 5. 2024

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

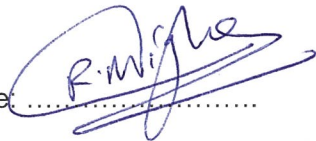
QFM1 (a pseudonym) and Ors
Applicants

RAB1 (a pseudonym) and Ors
Respondents

ANNEXURE PAD-10

This is the annexure marked **PAD-10** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his Third Affidavit on 14 May 2024.

Before me



Important Notice



To help minimize the transmission of COVID-19, telehealth appointments are available at MCPC.



Home About

Our Team ▾

Services ▾ Clinics ▾

Careers FAQ

Contact

(<https://www.melbournecpc.com.au/>)

Hampton



Call Ivanhoe (tel:0395176:

Call Hampton (tel:0395210:



Dr. Felicity McFarlane

B.Arts, Grad.Dip.(Psych.), D.Psych.(Clinical), M.A.P.S., Eligible for Membership of the Clinical College. Founding Member A.C.P.A.

Registration No. PSY0001122785

Dr McFarlane has worked in both infant, child and adolescent and adult settings. Dr. McFarlane began her career at St Vincent's Hospital Acute Adult Inpatient Unit. Since that time, she has worked as a Clinical Child and Adolescent Psychologist at the Austin Hospital Child & Adolescent Mental Health Service and The Alfred Child & Adolescent Mental Health Service (including the Alfred Infant Team). She has also worked as a Senior Clinical Psychologist at the Monash Medical Centre for the Consultation and Liaison Psychiatry Team in paediatrics.

Dr McFarlane has a special interest in anxiety and developmental trauma as well as post-traumatic stress disorder, attachment focused parenting across childhood and adolescence. She also has a special interest in working with infants.


Dr McFarlane has significant experience in assessing and treating anxiety, mood disorders, eating disorders, self-harm, complex trauma (both critical incident and developmental trauma), somatic difficulties and developmental issues across the lifespan that result from early attachment relationships. She focuses particular attention on emotional regulation/dysregulation patterns. In particular, Dr. McFarlane uses focused mindfulness strategies and body-oriented techniques that stem from her training using a Sensorimotor Psychotherapy Framework (<https://www.sensorimotorpsychotherapy.org>). (<https://www.sensorimotorpsychotherapy.org>) She also has training and experience in Eye Movement Desensitisation Reprocessing (EMDR).


Dr McFarlane has significant interest and experience in matters relating to child/family court proceedings. Specifically, Dr. McFarlane's doctoral thesis examined the usefulness of a scale designed to assess children's suggestibility. It further examined the degree to which individual differences could predict young children's suggestibility and considered the implications for eyewitness testimony. Hence, she has expert knowledge regarding the impact of leading and suggestive questions and interviewing techniques, on later eyewitness testimony. Dr McFarlane has an interest and experience in child and family court proceedings and draws on a number of frameworks when working with families in this regard, including: Trauma and attachment theories (Perry, B., Van der Kolk, B., Bowlby, J.) and Dyadic developmental psychotherapy (Hughes, D.) where an attachment disruption in the parent child relationship is present. Her therapy dog, Nellie, is often present during sessions as well.

Dr. McFarlane provides clinical supervision to provisional and registered clinical and general psychologists and is a board approved supervisor through the Australian Health Practitioner Regulation Agency (AHPRA). She provides consultation and supervision across a variety of settings including, private practice, AHPRA, schools, community mental health, headspace and rural and remote settings.

Publications

- McFarlane, F. & Story, K. (2003, October). The Scope and Value of Group Psychotherapy: Panel Discussion of Groups in Victorian CAMHS. Paper presented at the RANZP Faculty of Child & Adolescent Psychiatry. Strategies for Young Minds: Emotions, Behaviour and Development, Melbourne, Australia.
- McFarlane, F. & Powell, M (2001, June). Individual Differences in Young Children's Suggestibility. Paper presented at the Annual Conference of the American Psychological

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Society, Toronto, Canada.

McFarlane, F. & Powell, M. (2001, July). Individual Differences in Young Children’s

- ⊕ Suggestibility. Paper presented at the Australasian Human Development Conference, Brisbane, Australia.

McFarlane, F. & Powell, M. (2002). The Video Suggestibility Scale for Children: How

- ⊕ generalisable is children’s performance to an independent suggestibility paradigm? Behavioural Sciences and the Law. 13 (7), 88-99.

McFarlane, F. & Powell, M. (2002). The degree to which IQ, SES, gender and temperament

- ⊕ predict young children’s suggestibility: Implications for Testimony. Legal and Criminological Psychology.



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What We Do.

Melbourne Children’s Psychology Clinic (MCPC) is a psychology service comprised of independent practitioners that work with infants, children, adolescents, and their families.

Our Mission.

- ✓ Warmth & Respect
- ✓ Collaboration & Transparency
- ✓ Scientific-Based Practice
- ✓ Family Centered Systems Approach

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