

**David Elmslie**  
**Chair of the Board**  
**Hostplus Superannuation Fund**  
**Level 9, 114 William Street**  
**Melbourne VIC 3000**

Dear Mr. Elmslie,

We are writing to you in light of recent developments that saw the newly-appointed Chancellor of the University of Newcastle, Mark Vaile, decide to decline this role before his term had even commenced. The appointment of Mr. Vaile to the position of Chancellor caused significant backlash within the University's community due to his position as Chair of the Board of Whitehaven Coal.

In May of this year, the International Energy Agency (IEA) released its landmark 'Net Zero by 2050' report, a roadmap to achieving net-zero carbon emissions in the global energy sector. The report finds that "no new coal mines or mine extensions are required" under its net-zero pathway.<sup>1</sup> Whitehaven Coal is the largest undiversified (pure play) coal mining company on the Australian Securities Exchange (ASX), and, despite the IEA's finding, Whitehaven continues pursuing massive new coal mining projects. To justify its business plans, Whitehaven regularly refers to coal demand scenarios consistent with 3°C of global warming.<sup>2</sup>

Whitehaven has a long history of trashing local communities and the environment. The company's Maules Creek coal mine is one of Australia's most controversial mining projects, and, despite a lengthy community campaign, Whitehaven bulldozed hundreds of hectares of critically endangered forest to build the Maules Creek open cut coal mine.<sup>3</sup> More recently, a group of concerned young people brought a legal case against the Federal Environment Minister, The Hon. Sussan Ley MP, regarding the extension of Whitehaven's Vickery coal mine. The Federal Court ruled that the Environment Minister has a duty of care not to cause harm to young people when considering approving projects that exacerbate climate change.<sup>4</sup> The Court found that Whitehaven's Vickery project will increase the exposure of the children of Australia to a real risk of death and

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<sup>1</sup> IEA (2021) *Net Zero by 2050: A Roadmap for the Global Energy Sector*,  
<https://www.iea.org/reports/net-zero-by-2050>

<sup>2</sup> Whitehaven Coal (2020) *Annual Report*,  
<https://whitehavencoal.com.au/wp-content/uploads/2020/09/Whitehaven-Coal-Annual-Report-2020.pdf>

<sup>3</sup> The Guardian (2018) *Maules Creek offsets still not secured, five years after land clearing approved*,  
<https://www.theguardian.com/environment/2018/mar/02/maules-creek-land-clearing-continues-despite-lack-of-require-offsets>

<sup>4</sup> ABC News (2021) *Australian teenagers' climate change class action case opens 'big crack in the wall', expert says*.

<https://www.abc.net.au/news/2021-05-27/climate-class-action-teenagers-vickery-coal-mine-legal-precedent/100169398>

injury arising from the mine's emissions and subsequent climate impacts.<sup>5</sup> Despite the findings, Whitehaven described the teens' claim as "without merit" and indicated its intention to proceed with the climate-wrecking project.<sup>6</sup>

As members of Hostplus, we are deeply concerned about Mr. Vaile's position as Employer Director on the board of our fund. Given the track record that Whitehaven has in damaging the environment, ignoring the wishes of local communities and young people, and failing to align its business plans with either the Paris Agreement or the IEA's 'net zero by 2050' pathway, and pursuing a new coal project that the Federal Court says will expose children to an increased risk of death and injury, we are concerned that Mr. Vaile's association with Whitehaven will adversely impact Hostplus's reputation.<sup>7</sup>

**As such, we are calling on you to remove Mr. Vaile from his position on the board of Hostplus.**

If the Newcastle community—home to the world's largest coal export terminal—doesn't want Mr. Vaile at the helm of their university, we certainly don't want him in custody of almost \$50 billion of our retirement savings.

Sincerely,

**Your members**

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<sup>5</sup> *Sharma by her litigation representative Sister Marie Brigid Arthur v Minister for the Environment* (2021) FCA 560 at [247], [249], [286] available at:

<https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2021/2021fca0560>

<sup>6</sup> *Whitehaven Coal (2021) Federal Court judgment – Vickery Extension Project*,

<https://whitehavencoal.com.au/federal-court-judgment-vickery-extension-project/>

<sup>7</sup> For a discussion on trustee directors' duties, super fund reputation and impact to members see:

<https://www.millsosakley.com.au/thinking/mcveigh-v-rest-a-new-standard-for-managing-climate-change-risks/>