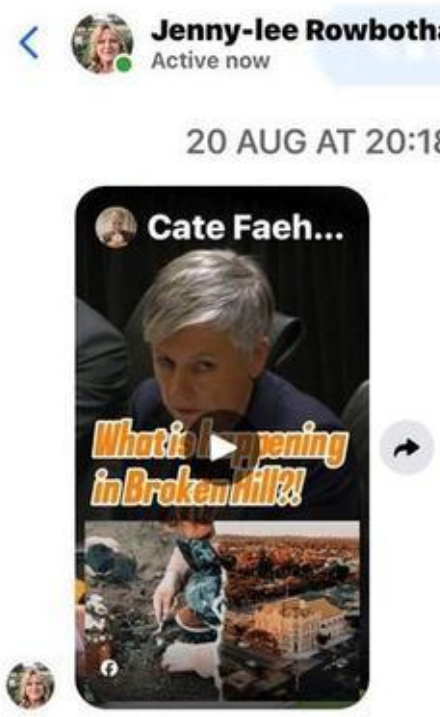
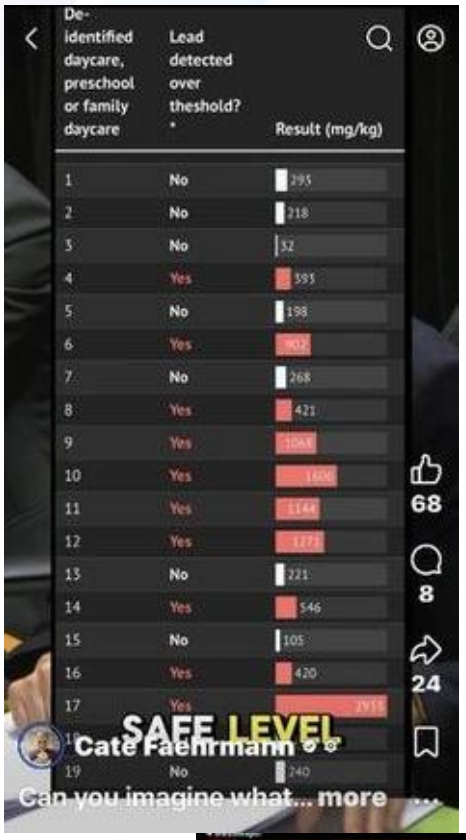
Duty of Care in Broken Hill Childcare Centres

Facebook Post and Transcript of Facebook Reel "What is happening in Broken Hill?!", 20th August 2026 by Cate Faehrmann, New South Wales (NSW) Greens, https://www.facebook.com/watch/?v=1593831238852997 [LID 30030] *and comments by First Nations Broken Hill Mother and Grandmother, Jenny Rowbotham*





Cate Faehrmann's Facebook Post 20th August 2026: Can you imagine what would happen if tests by the government revealed that child care centres in Sydney had toxic levels of lead in their soil? Pretty bloody swift action and recrimination. Not for the kids of Broken Hill.

One in 3 kids in Broken Hill have blood lead levels above a national safety standard. For First Nations Kids it's more than half. There is no safe level for lead in blood. This should be a national scandal. Why isn't it?

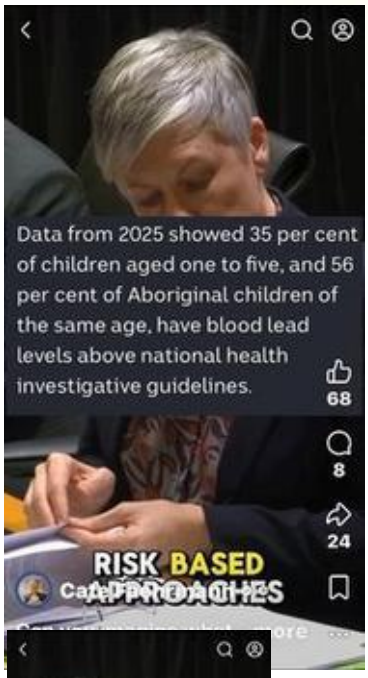


TRANSCRIPT of Facebook Reel, 20th August 2026:

Cate Faehrmann: The list that I got back yesterday confirms that there are 10 childcare facilities that have recorded soil lead levels above the 300 milligram per kilogram safe lead limit. One was 2933, another was 1,271, another 1,606, recognizing the safe limit is 300 mg/kg.

Another is 1,271. Another is 1,144.

But apparently the EPA has only remediated four of those childcare centres. Do you know why the EPA hasn't remediated all of the childcare centres that have lead in their soil that is higher than the safe level in Broken Hill?



Tony Chappel, Chief Executive Officer (CEO) of the NSW Environment Protection Authority (EPA): The four sites that were remediated, the property manager opted in to proceed with remediation.



Cate Faehrmann: so you offer this testing on an opt-in basis and then it's up to the owner or operator of the facility if they want to proceed with further action? And it says that the EPA provided information to the affected properties, including an assessment report, advice and recommendations and a fact sheet with recommended measures.

Was anything else done?



So if the property owner chose not to take anything up, that was it. That EPA's job's done?



Tony Chappel, NSW EPA: It's important to understand the context here, which is that these are complementary services offered to operators of these services... facilities who are obligated to ensure the safety of their staff and other people there? So this is an additional service that's available?



Other NSW EPA staffer: I think too, we need to be careful with language here. So health investigation levels, when you read the National Environmental Protection Measure for Contaminated Sites, clearly says investigation levels are not cleanup or response levels, nor are they a desirable soil criteria. Investigation levels are intended for assessing existing determination to trigger consideration of appropriate site-specific risk-based approaches.

Cate Faehrmann: Right, so appropriate site-specific risk-based approaches for a child care centre with lead in the soil 10 times

above the safe level…What's the appropriate action then? Were the parents notified?

Tony Chappel, NSW EPA: It's really appropriate for the operator to engage with the parents and for staff, it's their obligation to ensure the safety of the worksite. So, we need permission from the site owner to undertake remediation. In some cases, we were able to do that.

TV News presenter: Upper House Greens MP Cate Faehrmann says the lack of accountability is a concern.

Cate Faehrmann: So we don't know if the parents have been told. We don't know what's happened with the kids. And we don't know if they're still playing in that toxic dirt. Can you imagine if this was happening in Sydney? It is absolutely outrageous.

Facebook Messenger text exchange between Jenny Rowbotham and Elizabeth O'Brien, The LEAD Group Inc, 1st Nov 2026:

Jenny Rowbotham: So instead of dealing with the lead contamination at the childcare centres in Broken Hill and the children being exposed to lead there, the government has withdrawn Rainbow Preschool's funding which means closure without any inquiry or follow up about the contamination or the children that have been exposed there.

The other preschool with a high soil lead reading has also closed stating theft of money by a staff member as the reason for closure.

I really do think that's an excuse to shut a preschool that's been running since the 1970s. Again because of high lead levels and contamination of both the preschool and the children this is a way of walking away with no liability. They have a duty care to everyone involved.

Elizabeth O'Brien: The children of Broken Hill are so lucky to have you as their lead-safety advocate.

Jenny Rowbotham: Thank you - it's been a long journey but well worth the time, effort and perseverance of years of doors being slammed shut and being told "nothing to see here".