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**Australian Government**  
**Defence****Ministerial Background Brief****MS23-900733****FOR: Deputy Prime Minister****CC: SEC, VCDF, ASSOCSEC, CJOPS, CN, DEPSEC SP&I, CPERS, CDI, FASMECC, FASIP****OPERATION ARGOS: INTERACTION WITH PEOPLE'S LIBERATION ARMY - NAVY****Key Issues:**

On 14 November 2023, HMAS *Toowoomba* experienced an unsafe and unprofessional interaction with a shadowing People's Liberation Army – Navy (PLA-N) warship in the East China Sea, within the Japanese Exclusive Economic Zone (EEZ) while transiting from Operation ARGOS operating areas to Sasebo, Japan.

Three divers from *Toowoomba* suffered minor injuries, likely when subjected to SONAR pulses from a PLA-N Sovremenny-class destroyer (DDG 139) while the divers were clearing fishing nets fouling *Toowoomba's* propellers. The divers have undergone a medical assessment and no long term medical impacts are anticipated.

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**Media Considerations:**

This incident will generate significant media interest if released into the public domain. Defence has developed reactive talking points for your use, which are being provided to your office separately.

**Minister comments:****Cleared by:**General Angus J Campbell  
Chief of the Defence Force

16 November 2023

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**Primary Contact Officer**Air Vice-Marshal Stephen Chappell  
Head Military Strategic Commitments

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**Alternate Contact Officer**Mr Bernard Philip  
First Assistant Secretary  
International Policy Division

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s33(a)(i)

s33(a)(i)

Sensitivity: Yes.

1. Australian Defence Force (ADF) activities under Operation ARGOS are a demonstration of our commitment toward upholding the rules-based global order that has underpinned regional prosperity for decades.
2. s33(a)(iii)
3. If the PLA-N SONAR transmission was done intentionally, with foresight that ADF personnel would likely be injured, s33(a)(iii) While the danger associated with the use of active sonar in proximity to divers is well known and should be understood by professional mariners, we are unable to verify whether the PLA-N intended to cause harm.

Financial Impacts: No.

Systems/legislation/deregulation: No.

Consultation: Yes.

4. Lieutenant General Greg Bilton, Chief of Joint Operations, Joint Operations Command.

Attachment:

Attachment A      Operation ARGOS Storyboard: HMAS *Toowoomba* – Unsafe and Unprofessional Interaction With PLA-N Vessel.

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## Background:

5. Operation ARGOS is Australia's military contribution to multinational enforcement of United Nations Security Council (UNSC) sanctions against North Korea. Since April 2018, Australia has periodically deployed maritime surveillance aircraft and naval vessels to work alongside five-eyes and other partners (such as Japan, Republic of Korea, and France) to monitor and deter illicit ship-to-ship transfers of sanctioned goods.
6. On 14 November 2023, *Toowoomba* experienced fouling of her propeller and drive shaft due to the entanglement of fishing nets while transiting through the East China Sea. At the time, *Toowoomba* was assigned to Operation ARGOS and was within the Japanese EEZ, approximately 150 nautical miles (NM) from Chinese territorial waters and 120NM from the nearest Japanese territorial waters.
7. While *Toowoomba* was stopped in the water to undertake diving operations to clear the fouling and avoid damage, a PLA-N Sovremenny-class destroyer (DDG 139) that had been shadowing *Toowoomba* closed to within a distance of approximately 1,500 metres. This occurred despite repeated requests via marine radio and visual signals to remain clear of *Toowoomba's* position while diving operations were underway, which were acknowledged by DDG 139.
8. *Toowoomba* had signalled she was Not Under Command (NUC), which, in accordance with the Code for Unplanned Encounters at Sea (CUES – an international agreement that China and Australia are signatory to), is a condition whereby a vessel through some exceptional circumstance is unable to manoeuvre and is therefore unable to keep out of the way of another vessel.
9. At 1439 AEDT, with divers in the water, *Toowoomba* detected DDG 139 radiating its SONAR. *Toowoomba* quickly withdrew divers from the water and announced completion of diving operations in accordance with CUES. Given the short timeline from detection of the sonar until withdrawal of divers from the water, there was no verbal escalation of language, or highlighting that DDG 139 was transmitting on SONAR and endangering personnel in the water. A detailed account and placemat is provided in Attachment A.
10. Following exposure to the SONAR, three divers were medically assessed, s47F s47F We do not anticipate any long term medical impacts of the minor injuries. The SONAR transmission from DDG 139 was assessed as safe platform to platform. Notwithstanding, given clear knowledge that *Toowoomba* had divers in the water as indicated by CUES announcements and signals, which was acknowledged by the PLA vessel, the transmission of sonar at that range is assessed as unsafe and unprofessional conduct.
11. *Work, Health and Safety Act 2011* reporting requirements are being met.
12. This is the first occasion that an ADF member has likely sustained an injury as a result of an unsafe or unprofessional action by the PLA-N s33(a)(i)
13. s33(a)(iii) DFAT and PM&C were consulted in this course of action.
14. s33(a)(iii)

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## Operation ARGOS Storyboard: HMAS *Toowoomba* – Unsafe and Unprofessional Interaction With PLA-N Vessel – 14 Nov 23

**Overview:** HMAS *Toowoomba* (*TOW*) experienced an unsafe/unprofessional interaction with a People's Liberation Army- Navy (PLA-N) Destroyer (DDG 139) in the East China Sea 14 Nov 23, while undertaking Operation ARGOS. *TOW* was within the Japanese Exclusive Economic Zone when her propellers were fouled by fishing nets. To reduce risk of further damage, *TOW* stopped in the water and deployed the ships organic diving team to clear the obstruction. DDG 139 was shadowing *TOW* in the East China Sea. DDG 139 was informed via marine radio utilising the Code for Unplanned Encounters at Sea (CUES), signal flags and Not Under Command (NUC) shapes of *Toowoomba*'s intentions to undertake diving operations. Throughout the duration of the dive DDG 139 remained in the vicinity of *Toowoomba*. At 1439 AEDT, DDG139 commenced radiating SONAR, requiring *TOW* to immediately withdraw divers from the water. Divers were medically assessed s47F however, there are no anticipated long term medical impacts.

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## Talking Points

# PEOPLE'S LIBERATION ARMY-NAVY INCIDENT IN EAST CHINA SEA

**REACTIVE ONLY – CORRECT AS AT 20 1600L NOVEMBER 2023**

### Background (NOT FOR PUBLIC RELEASE)

- On Tuesday 14 November 2023, HMAS *Toowoomba* experienced an unsafe and unprofessional interaction with a People's Liberation Army-Navy (PLA-N) destroyer. *Toowoomba* was stopped in the water to conduct diving operations in the East China Sea, in order to clear fishing nets that had become entangled around its propellers.
- HMAS *Toowoomba* was in international waters inside Japan's Exclusive Economic Zone and this activity is routine for an Australian ship operating in the region.
- HMAS *Toowoomba* was operating in support of Operation ARGOS, the Australian Defence Force (ADF) commitment to the international effort to enforce United Nations Security Council sanctions on North Korea.
- *Toowoomba* advised the PLA-N destroyer via all normal maritime communications channels that diving operations were being conducted and requested the vessel remain outside a range of 3 nautical miles (5.5kms).
- Despite acknowledging *Toowoomba*'s communications, the destroyer closed to a range of 1.3 nautical miles (2.4kms).
- *Toowoomba* again requested the destroyer remain no closer than 2 nautical miles. After acknowledging *Toowoomba*'s request, the destroyer closed to a range of 1580 yards (1.4kms).
- While diving operations were under way when the PLA-N destroyer was at a range of 2400 yards (2.2km), *Toowoomba* detected acoustic transmissions, correlated to the PLA-N destroyer's hull-mounted sonar.
- Following the incident, divers reported mild headaches and eardrum irritation and received appropriate medical care and treatment. <sup>s47F</sup> [REDACTED] Current medical advice indicates no long-term health impacts are expected.
- The interaction is assessed as unsafe and unprofessional conduct for mariners due to the Chinese warship repeatedly closing inside the requested range, and operating sonar with clear knowledge that there were divers in the water with disregard for their safety.



## Talking Points

### Contingency Talking Points

- I can confirm on 14 November 2023, HMAS *Toowoomba* and crew experienced unsafe and unprofessional conduct by a Chinese warship in an encounter in the East China Sea.
- HMAS *Toowoomba* had been conducting operations in support of United Nations sanctions enforcement in international waters. It had stopped in the water to conduct diving operations in order to clear fishing nets that had become entangled around its propellers.
- During this routine operation, a People's Liberation Army-Navy warship approached HMAS *Toowoomba*.
- The Australian vessel was in international waters outside of China's Exclusive Economic Zone and communicated its intention to conduct diving operations on normal maritime channels, and using internationally recognised signals.
- Despite acknowledging the Australian ship's communications, the Chinese vessel approached at closer range than requested, and operated its hull-mounted sonar in a manner that posed a risk to the safety of the Australian divers in the water.
- The Australian divers exited the water and the Chinese warship's conduct ceased a short time later.
- Australian divers have received appropriate medical assessment and care, and no long-term health effects are expected.
- The Australian Defence Force assesses this conduct as unsafe and unprofessional, and falls short of standards expected of professional mariners.
- The Australian Government will take appropriate action to raise its concerns regarding this incident with the Government of China.
- Defence issued formal demarches to the Chinese Defence Attaché in Canberra on 16 November 2023, and in Beijing on 17 November 2023.
- I will not be commenting any further at this stage.





## Talking Points

### If Asked [OFFICIAL on release]

#### Was the Chinese vessel's interaction with HMAS *Toowoomba* professional?

- Defence has assessed the interaction as unsafe and unprofessional conduct for mariners as the Chinese warship repeatedly closed inside the requested range, and operated Sound Navigation and Ranging (SONAR) with clear knowledge and disregard for the safety of the Australian divers in the water.

#### Did the divers suffer injuries due the actions of the Chinese destroyer?

- The divers suffered minor injuries, likely due to being subjected to the SONAR pulses from the Chinese destroyer.
- Due to medical-in-confidence, Defence will not provide details of the minor injuries sustained.

#### If pressed:

- All members of the dive team are well, and have now been cleared to return to normal duties.

#### Is Defence certain that the PLA-Navy Destroyer activated its hull-mounted SONAR?

- The origin of the SONAR pulses directly correlates to that of the PLA-N warship and the position it was in.

#### Why was a PLA-N ship near HMAS *Toowoomba*?

- HMAS *Toowoomba* was operating in the East China Sea within the Exclusive Economic Zone of Japan as part of an enduring commitment to Operation ARGOS, Australia's commitment to enforcing United Nations Security Council Sanctions against North Korea.
- The PLA-N ship was shadowing HMAS *Toowoomba*.
- It is routine for PLA-Navy vessels to shadow movements of Royal Australian Navy vessels in the South China and East China Seas.

#### What is an acoustic transmission?

- In this situation, acoustic transmission refers to the use of SONAR devices, which are used to identify objects under the water.



## Talking Points

### Why is a SONAR a danger to divers?

- The medical effects from sonar relate to the effect of noise and associated pressure waves and their impact. The effects can include dizziness or vertigo during the dive, hearing damage, blurred vision, light headedness, vibrations in hands impairing motor tasks, tremors, abdominal pain related to the vibration of gas bubbles. There is a theoretical risk of bubble growth contributing to Decompression Illness if they were to destabilise.

### Is it normal for ships to stop to untangle fishing nets?

- As part of routine propeller and hull maintenance, the divers were clearing fishing nets from the hull of the warship.

### What type of Chinese warship was it?

- It was a PLA-N Sovremenny-class destroyer (DDG 139).

Contact officer: s22

Contact officer phone: s22





## Talking Points

Clearance	Name	Appointment	Date and time
Drafted by:	LCDR s22	Military Public Affairs Officer N09 MAROPS / J09 JTF635	0830L 16 Nov 23
Reviewed by SME:	CMDR s22	Deputy Director Current Operations, MAROPS/ JTF635	0844L 16 Nov 23
Cleared by MAROPS / JTF635	CAPT s22	Director Maritime Operations	1234L 16 Nov 23
Cleared IP Div	Tom Menadue	AS NSA, IP Div	1115L 16 Nov 23
Cleared MSC	CDRE Don Dezentje	DGMSC	1157L 16 Nov 23
Original Cleared 2* by: (Group/Service)	Bernard Philip AVM Stephen Chappell	FASIP HMSC	1255L 16 Nov 23 1245L 16 Nov 23
MECC Embed cleared	s22	Senior Strategic Communications Adviser	1245L 16 Nov 23
Original Cleared 3* by:	LtGen G Bilton	CJOPS	1307 16 Nov 23
Cleared OSEC/OCDF	s22	OCDF OSEC	16 Nov 23 16 Nov 23
Update cleared by	CDRE Don Dezentje	DGMSC	1750L 16 Nov 23
Original update cleared by	AVM Stephen Chappell	HMSC	1806L 16 Nov 23
Updated by	MAJ s22	HQJOC SO2 MPA	20 1400L Nov23
Cleared by	s22	Senior Strategic Communications Adviser, MSC	1602L 20 Nov 23
Update cleared	CAPT s22	J33, HQJOC	20 1600L NOV23
Update cleared	CDRE Don Dezentje	DGMSC	1603L 20 Nov 23