

s 22(1)(a)(ii)

From: Michelle Chan
Sent: Friday, 17 November 2023 3:32 PM
To: s 47F(1)
Cc: Anna Oldmeadow; Elly Lawson; Daniel Sloper; Marc Innes-Brown; Elizabeth McGregor; Glenn Elson; s 22(1)(a)(ii)
Subject: Maritime incident [REDACTED]

[REDACTED]

s 47F(1), as discussed. We have not been able to clear this with the Secretary, who is on a plane until 4.10pm, regards Michelle

Recommendation: s47E(d)

Background
s47E(d)

s33(a)(iii)

s47E(d)

s 33(a)(iii), s 33(b)

s47E(d)

- it is important that Australia maintains a consistent approach to making clear our expectations – both privately and publicly, where necessary - around adherence to international law and to safe and professional maritime behaviour
- in this instance, s33(a)(iii)
- s 33(a)(iii), s 47E(d)

s 47E(d)

Regards, Michelle and Elly

Michelle Chan

Deputy Secretary South and Southeast Asia Group
Department of Foreign Affairs and Trade
Canberra

P +s22(1)(a)(ii) | M s22(1)(a)(ii)

dfat.gov.au | [Twitter](#) | [Facebook](#) | [Instagram](#) | [LinkedIn](#)



© Kim Hill, *Among Women* (2011)

[We acknowledge](#) the Traditional Custodians of Country throughout Australia, and their continuing connection to land, waters and community. We pay our respects to all First Nations peoples, their cultures and to their Elders, past, present and emerging.

From: "s 47F(1)" <s47f1@dfat.gov.au>
Date: Friday, 17 November 2023 at 6:38:45 pm
To: "Elly Lawson" <Elly.Lawson@dfat.gov.au>, "Michelle Chan" <Michelle.Chan@dfat.gov.au>
Cc: "s 47F(1)" <s47f1@dfat.gov.au>, "Anna Oldmeadow" <Anna.Oldmeadow@dfat.gov.au>, "John Olenich" <John.Olenich@dfat.gov.au>, "Glenn Elson" <Glenn.Elson@dfat.gov.au>, "Daniel Sloper" <Daniel.Sloper@dfat.gov.au>, "Marc Innes-Brown" <marc.innes@dfat.gov.au>
Subject: FW: draft MR - UNSAFE AND UNPROFESSIONAL INTERACTION WITH PLA-N [REDACTED]

[REDACTED]

Hi Elly and Michelle

s47C

SATURDAY, 18 NOVEMBER 2023

IMPORTANT: This email remains the property of the Department of Defence. Unauthorised communication and dealing with the information in the email may be a serious criminal offence. If you have received this email in error, you are requested to contact the sender and delete the email immediately.

From: "Daniel Sloper" <Daniel.Sloper@dfat.gov.au>
Date: Sunday, 19 November 2023 at 5:27:49 pm
To: "Michelle Chan" <Michelle.Chan@dfat.gov.au>, "Elly Lawson" <Elly.Lawson@dfat.gov.au>, "Glenn Elson" <Glenn.Elson@dfat.gov.au>, "Elizabeth McGregor" <Elizabeth.McGregor@dfat.gov.au>, "s 47F(1) @dfat.gov.au", "s 47F(1) @dfat.gov.au", "Harinder Sidhu" <Harinder.Sidhu@dfat.gov.au>, "Amy Guihot" <Amy.Guihot@dfat.gov.au>, "Anna Oldmeadow" <Anna.Oldmeadow@dfat.gov.au>, "Gary Cowan" <Gary.Cowan@dfat.gov.au>
Cc: "Derek Yip" <Derek.Yip@dfat.gov.au>
Subject: s 33(a)(iii) [SEC=OFFICIAL]

OFFICIAL

All,

s 33(a)(i), s 33(a)(iii), s 33(b)

Regards, daniel

Daniel Sloper PSM

First Assistant Secretary

East Asia Division

Department of Foreign Affairs and Trade

P: s22(1)(a)(ii) I M: s22(1)(a)(ii)

Executive Officer: s 22(1)(a)(ii) , P: s22(1)(a)(ii)

Executive Assistant: s 22(1)(a)(ii) , P: s22(1)(a)(ii)

If you receive this message out of office hours, it is because it is convenient for me at that time, not because I expect you to respond then.

Supplementary talking points

HMAS Toowoomba – PLA-N maritime incident in the East China Sea

- The Australian Government is seriously concerned about ongoing unsafe and unprofessional incidents by China at sea and in the air
 - including an incident on 14 November 2023 while the HMAS *Toowoomba* was in Japan's EEZ enroute to a scheduled port visit
 - when HMAS Toowoomba stopped to clear fishing nets from its propellers, a PLA-N destroyer disregarded requests to stay clear, approached to a close range and operated hull-mounted sonar in a manner that posed a risk to the safety of the Australian, who were forced to exit the water
 - this kind of behaviour endangers safety, security and creates risks of miscalculation.
- The Australian Government raised its serious concerns directly with the Government of the People's Republic of China, and more broadly through a statement by the Deputy Prime Minister and Minister for Defence, the Hon. Richard Marles MP.
- As Mr Marles said, "Australia expects all countries, including China, to operate their militaries in a professional and safe manner.
- Australian vessels and aircraft will continue to contribute to UN sanctions enforcement operations in the East China Sea, and exercise freedom of navigation and overflight in the South China Sea, as we have done for decades
 - we will continue to act in our national interest to support a region which is stable, secure and respectful of sovereignty.
- Australia wants to see a peaceful Indo-Pacific, where international law is respected and adhered to, and waterways are open for trade
 - our actions are guided by our desire to support our partners, enhance maritime security and uphold international law.
- It is vital Australia, India and our partners call out behaviour that is dangerous and inconsistent with international law, particularly the UN Convention on the Law of the Sea.

Background

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. One diver has been diagnosed with mild (grade 2) aural barotrauma. Current medical advice indicates no long-term health impacts are expected.

Defence assessed the incident 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.

s 33(a)(iii)

The Deputy Prime Minister issued a public statement on 18 November: [Unsafe and unprofessional interaction with PLA-N | Defence Ministers](#).

From: Glenn Elson
Sent: Thursday, 16 November 2023 2:53 PM
To: s 47F(1) @dfat.gov.au>; s 47F(1) @dfat.gov.au>
Cc: Michelle Chan <Michelle.Chan@dfat.gov.au>; Marc Innes-Brown <marc.innes@dfat.gov.au>; Greg Wilcock <Greg.Wilcock@dfat.gov.au>; Daniel Sloper <Daniel.Sloper@dfat.gov.au>; Le Bas, Elizabeth <Elizabeth.LeBas@pmc.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; Adam McCarthy <Adam.McCarthy@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>
Subject: FW: Talking Points - PEOPLE'S LIBERATION ARMY-NAVY INCIDENT IN EAST CHINA SEA [SEC=OFFICIAL:Sensitive]
Importance: High

OFFICIAL: Sensitive

s 47F(1) – For your awareness. s 47E(d)

Regards

Glenn

Glenn Elson
A/g First Assistant Secretary
Strategy & Development Division
Office of Southeast Asia
Department of Foreign Affairs and Trade
Phone s22(1)(a)(ii) | Mobile s22(1)(a)(ii)

Executive Assistant: s 22(1)(a)(ii) P: s22(1)(a)(ii)

Glenn

s 22(1)(a)(ii) - Duplicate

