

Attachment B
Identification of Boundaries

1. The boundaries of the area covered by the application are described in attachment B1.
2. Subject to paragraphs 5 and 6, the area covered by the application excludes any land or waters which is presently or was previously covered by –
 - (a) a Scheduled interest as defined in section 249C of the Native Title Act 1993 (Cth);
 - (b) a freehold estate (including any right in land or waters taken to be the vesting of a freehold estate by virtue of subsection 23B(3));
 - (c) a commercial lease that is neither an agricultural lease or an exclusive pastoral lease;
 - (d) an exclusive agricultural lease or an exclusive pastoral lease;
 - (e) a residential lease;
 - (f) a community purposes lease;
 - (g) a lease dissected from a mining lease referred to in subparagraph 23B(2)(c)(vii) of the Native Title Act 1993 (Cth); or
 - (h) any lease (other than a mining lease) that confers a right to exclusive possession over particular land and waters,

which was validly granted or vested on or before 23 December 1996.

3. Subject to paragraphs 5 and 6, the area covered by the Application excludes any land or waters where native title has otherwise been extinguished.
4. Subject to paragraphs 5 and 6, the land and waters the subject of the application excludes any area covered by the valid construction or establishment of any public work (as defined by the Native Title Act 1993 (Cth)), where the construction or establishment of the public work commenced on or before 23 December 1996.
5. Where the act specified in paragraph 2, 3 or 4 falls within the provisions of –
 - a) Section 23B(9) – Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders
 - b) Section 23B(9A) – Exclusion of national parks etc;
 - c) Section 23B(9B) – Exclusion of acts where legislation provides for non-extinguishment;
 - d) Section 23B(9C) – Exclusion of Crown to Crown grants etc; or
 - e) Section 23B(10) – Exclusion by regulation,

the land and waters affected by the act is not excluded from the application.

6. Where an act referred to in paragraph 2, 3 or 4 affects or affected land or waters referred to in –
 - a) section 47 – pastoral leases held by or on behalf of native title claimants or any of the members of the native title claim group;
 - b) section 47A – reserves etc. Covered by claimant applications; or,
 - c) section 47B – vacant Crown land covered by claimant applications,

the land and waters affected by the act is not excluded from the application, but only to the extent that any extinguishment by that act, for the purposes of sections 57, 47A or 47B must be disregarded.