



Kunggandji Kimuy People Claim

“Attachment B”

IDENTIFICATION OF THE EXTERNAL BOUNDARIES OF THE AREA COVERED BY THE APPLICATION

1. The external boundaries of the area covered by the application are the external boundaries of the land and waters contained in the Lots more particularly described in Attachment B1.
2. Subject to paragraphs 5 and 6, the area covered by the application excludes land and waters which is presently or was previously covered by:
 - (a) A Schedule interest as identified in section 249c of the Native Title Act 1993 (Cth);
 - (b) A freehold estate including any right in land or waters taken to be vesting of a freehold estate by virtue of sub section 23B (3);
 - (c) A commercial lease that is neither an agricultural lease nor a pastoral lease;
 - (d) An exclusive agricultural lease or an exclusive pastoral lease;
 - (e) A community purpose lease;
 - (f) A residential lease;
 - (g) A lease dissected from a mining lease and 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 of exclusive possession over particular land or waters, which was validly granted or vested on or before 23 December 1996.
3. Subject to paragraphs 5 and 6, the land and waters the subject of the application excludes any land or waters where native title has otherwise been extinguished.
4. Subject to paragraph 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 provision of:
 - (a) section 23B (9)- Exclusion of the acts befitting Aboriginal people 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 the native title claimants or any of the members of the native title claim group;
 - (b) Section 47A- reserves etc, covered by claimant application; or
 - (c) Section 47B- vacant Crown land covered by claimant application.

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 47, 47A, or 47B, must be disregarded.

Note: all the above section references are to the provisions of the Native Title Act 1993 (Cth).