



## "ATTACHMENT B" (NO CHANGE)

Areas within the external boundaries that are not covered by the Application:

The applicants exclude from the area covered by the Application any area over which native title has been extinguished at Common Law or by statute save and except for those areas of land or waters over which prior extinguishment may be disregarded in accordance with the provisions of either s47, s47A or s478 of the Native Title Act 1993.

In particular the following are excluded:

Category A past acts, as defined in s229 of the Act, including any previous non-exclusive possession acts which are also a Category A past act; and

Grants or vestings which are "previous exclusive possession acts" (as defined in s23B of the Act) or "Category A intermediate period acts" (as defined in s232B of the Act) attributable to the Commonwealth and such grants or vestings which are attributable to the State where the State has made provision as mentioned in s23E and s22F of the Act in relation to these acts.

For the avoidance of doubt, the following acts which occurred on or before 23 December 1996, where valid (including because of Division 2 or 2A of Part 2 of the Act) are included or, for present purposes, are to be treated as included in the definition of "previous exclusive possession acts", unless excluded from the definition by subsections 238(9), (9A), (9B), (9C) or (10).

1. The creation or establishment of:
  - a) a permanent public work
  - b) a dedicated road; and
  - c) an act of adverse dominion where such an act was:
    - authorised by valid legislation; or
    - authorised or required by the condition of a valid Crown Grant, vesting or other interest
  - d) an unqualified grant of an estate in fee simple,
2. The grant of:
  - a) a scheduled interest (see s249C of the Act), including an agricultural lease where intensive cultivation of a permanent nature has been carried out and works or structures of permanent nature have been constructed in accordance with the terms and conditions of the lease;
  - b) a residential lease on which a residence has been constructed in accordance with the terms and conditions of the lease (see s249);
  - c) a commercial lease on which permanent works or structures have been constructed in accordance with the terms and conditions of the lease (see s246);
  - d) a lease for the provision of community services or amenities within a town or city on which works or structures of a permanent nature have been constructed in accordance with the terms and conditions of the lease (see s249A).