



Attachment "B1"



WILYAKALI NATIVE TITLE CLAIM

ATTACHMENT 'B1'

1. The Application area also excludes any land or waters that is or has been covered by:
 - a. A Scheduled interest;
 - b. A freehold estate;
 - 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 residential lease;
 - f. A community purpose lease;
 - g. A lease dissected from a mining lease and referred to in s.23B(2)(c)(vii) of the *Native Title Act 1993* (Cwth);
 - h. Any lease (other than a mining lease) that confers a right of exclusive possession;
 - i. A "previous exclusive possession act" as defined in s.23B of the *Native Title Act 1993* (Cwth) which is attributable to the State of South Australia and is not an "excepted act" as defined in section 36F of the *Native Title (South Australia) Act 1994* (SA)over particular land or waters.
2. Subject to paragraphs 4 and 5, the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commenced on or before 23 December 1996.
3. Subject to paragraphs 4 and 5, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth or the State of South Australia.
4. Subject to paragraph 5 below, where the act specified in paragraphs 1, 2 and 3 falls within the provisions of:
 - a. s.23B(9) – exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
 - b. s.23B(9A) – establishment of a national park or state park;
 - c. s.23B(9B) – Acts where legislation provides for non-extinguishment;
 - d. s.23B(9C) – exclusion of Crown to Crown grants; and
 - e. s.23B(10) – exclusion by regulationthe area covered by the act is not excluded from the application.
5. Where an act specified in paragraphs 1, 2 and 3 affects or affected land or waters referred to in:
 - a. s.47 – pastoral leases etc covered by claimant application



- b. **s.47A – reserves etc covered by claimant application**
- c. **s.47B – vacant Crown land covered by claimant application**

the area covered by the act is not excluded from the application.

6. **The area covered by the application excludes land or waters where the native title rights and interests claimed have been otherwise extinguished.**
7. **Any areas of land or waters in relation to which all native title rights and interests have been surrendered under a registered Indigenous Land Use Agreement (ILUA) is specifically excluded from the application area, from the date of surrender.**
8. **All of the words and expressions used in this Attachment have the same meaning as they are given in the *Native Title Act 1993* (Cwlth) unless otherwise specified.**