

ATTACHMENT B(2)

ARABANA NO. 2 NATIVE TITLE CLAIM

Areas of land and waters within the external boundaries that are not covered by this application:

- (1) Subject to (4), the applicants exclude from the application area any areas in relation to which any of the following acts have taken place:
 - (a) category A past acts (see section 229 NTA);
 - (b) category A intermediate period acts (see section 232B NTA);
 - (c) category B past act that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests (see section 230 NTA);
 - (d) category B intermediate period acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests (see section 232C NTA).
- (2) Subject to (4), the applicants exclude from the application area any areas in relation to which:
 - (a) a "previous exclusive possession act", as defined in section 23B of the NTA, was done and the act was an act attributable to the Commonwealth; or
 - (b) a "previous exclusive possession act", as defined in section 23B of the NTA, was done and the act was attributable to the State of South Australia and was not an "excepted act", as defined in section 36F of *Native Title (South Australia) Act 1994 (SA)*.
- (3) Subject to (4), the applicants also exclude from the application area areas in relation to which native title rights and interests have otherwise been wholly extinguished.
- (4) The application area includes any area in relation to which the non-extinguishment principle (as defined in section 238 of the NTA) applies, including any area to which section 47, 47A or 47B of the NTA applies.