

ATTACHMENT B2

Areas within the external boundaries of the application that are not covered by the Application

- (1) Subject to paragraphs (3) and (4) the area covered by the application excludes any land or waters that are or have been affected by:-
 - (i) a category A intermediate period act and category A past act (subject to the operation of the *Native Title Act 1993*); and
 - (ii) a previous exclusive possession act as defined by the *Native Title Act 1993* and regulations and the Western Australian State analogue, *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995*.
- (2) Subject to paragraphs (3) and (4), exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth or State of Western Australia.
- (3) Where an act specified in paragraphs 1 or 2 falls within the provision of:
 - (i) s23B(9) – Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
 - (ii) s23B(9A) – Establishment of a national park or state park;
 - (iii) s23B(9B) – Acts where legislation provides for non-extinguishment;
 - (iv) s23B(9C) – Exclusion of Crown to Crown grants; and
 - (v) s23B(10) – Exclusion by regulation;the area covered by the act is included in the application.
- (4) Where an act specified in paragraphs (1) or (2) affects or affected land or waters referred to in:
 - (i) s47 – Pastoral leases etc covered by claimant application
 - (ii) s47A – reserves etc covered by claimant application
 - (iii) s47B – Vacant Crown land covered by claimant application;the area covered by the act is included in the application.
- (5) The area covered by the application excludes land or waters where the native title rights and interests claimed have been otherwise wholly extinguished.

Application summary attachment:

WAD372/2006 (WC2006/006),

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by the Application, Attachment B2 of the
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