



SCHEDULE D

Areas where native title does not exist

Native title rights and interests have been wholly extinguished in the following areas of land and waters:

- (1) Subject to paragraph 2 below, those parts of the Determination Area covered by public works as defined in s 253 of the Act (including adjacent land or waters as defined in s 251D of the Act) which were constructed, established or situated prior to 23 December 1996, or commenced to be constructed or established on or before that date, including but not limited to:
 - (a) river and rain gauges;
 - (b) transmission and distribution water pipes and associated infrastructure;
 - (c) sewer pipes, sewer pump stations and associated infrastructure;
 - (d) electricity transmission lines, towers, poles and associated infrastructure; and
 - (e) government bores and associated infrastructure.
- (2) The parties agree that the Determination Area is not covered by public works as defined in s 253 of the Act of the following description:
 - (a) public roads, whether rural roads, arterial roads or national highways; or
 - (b) community and pastoral access roads which are not otherwise public roads.