



### **Schedule 5 – Areas Not Forming Part of the Determination Area**

For the avoidance of doubt, the Determination Area does not include the land and waters on which any public work, as defined in s 253 of the *Native Title Act 1993* (Cth), is or was constructed, established or situated, and to which ss 23B(7) and 23C(2) of the *Native Title Act 1993* (Cth) and to which s 21 of the *Native Title (Queensland) Act 1993* (Qld) applies, together with any adjacent land or waters in accordance with s 251D of the *Native Title Act 1993* (Cth). Such areas were the subject of one or more Previous Exclusive Possession Acts, within the meaning of s 23B of the *Native Title Act 1993* (Cth), and could not be claimed in accordance with s 61A of the *Native Title Act 1993* (Cth).