

SCHEDULE FIVE – Areas not forming part of the Determination Area

The following areas of land and waters are excluded from the Determination Area as described in Schedule 4:

1. Those land and waters within the External Boundary which at the time the native title determination application was made were the subject of one or more Previous Exclusive Possession Acts, within the meaning of s 23B of the *Native Title Act 1993* (Cth) as they could not be claimed in accordance with s 61A of the *Native Title Act 1993* (Cth).
2. Specifically, and to avoid any doubt, the land and waters described in (1) above includes:
 - (a) the Previous Exclusive Possession Acts described in ss 23B(2) and 23B(3) of the *Native Title Act 1993* (Cth) to which s 20 of the *Native Title (Queensland) Act 1993* (Qld) applies, and to which none of ss 47, 47A or 47B of the *Native Title Act 1993* (Cth) applied; and
 - (b) 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), and includes, but is not limited to, the whole of the land and waters described as:
 - (i) That part of Lot 1 on K3718 commencing at the eastern-most corner of Lot 1 on K3718, also being a point on the western boundary of Finlay Street (Landsborough Highway) and progressing north-west along the western boundary of that street until a point at Latitude 21.574638° South; then south-westerly to a point at Longitude 141.913793° East, Latitude 21.575092° South; then south-easterly to a point on the south-eastern boundary of Lot 1 on K3718 at Latitude 21.575495° South; then north-easterly along the south-eastern boundary of that lot back to the commencement point.
 - (ii) That part of Lot 2 on SP197815 commencing at the north-western corner of Lot 2 on SP197815 and extending easterly then southerly along the northern and eastern boundaries of that lot to a point at Latitude 22.381449° South; then westerly then generally southerly passing through the following coordinate points:

Longitude (East)	Latitude (South)
143.041978	22.381435
143.041912	22.381817
143.041702	22.381792

Then southerly to the southern boundary of Lot 2 on SP197815 at Longitude 143.041555° East;

then generally westerly again along boundaries of that lot to

Longitude 143.039706° East; then northerly passing through coordinate point:

Longitude (East)	Latitude (South)
143.039889	22.380670

Then westerly to the south-eastern corner of Lot 15 on SP232661; then northerly along the boundary of that lot back to the commencement point.

- (iii) That part of Lot 18 on W24011 southerly of a line commencing at the south-eastern corner of Lot 3 on SP181892 at Latitude 22.387116° South and extending easterly to a point on the eastern boundary of Lot 18 on W24011 at 143.038217° East.
 - (iv) Lot 121 on AE112.
3. Those land and waters within the External Boundary on which, at the time the native title determination application was made, public works were validly constructed, established or situated after 23 December 1996, where s 24JA of the *Native Title Act 1993* (Cth) applies, and which wholly extinguished native title.
 4. Those land and waters within the External Boundary which, at the time the native title determination application was made, were the subject of one or more Pre-existing Rights Based Acts, within the meaning of s 24IB of the *Native Title Act 1993* (Cth), which wholly extinguished native title.
 5. Those land and waters within Lot 88 on NPW477 subject to former Lot 4719 on PH1040.

Data Reference and source

Cadastral data sourced from Department of Resources (August 2020).

Reference datum

Geographical coordinates are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees.

Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Prepared by the Department of Resources (3 November 2020).