

SCHEDULE 4

Areas where native title does not exist

1. Native title rights and interests do not exist in:
 - (a) minerals as defined in section 6 of the *Mining Act 1971* (SA);
 - (b) petroleum, as defined in section 4 of the *Petroleum and Geothermal Energy Act 2000* (SA);
 - (c) a naturally occurring underground accumulation of a regulated substance as defined in section 4 of the *Petroleum and Geothermal Energy Act 2000* (SA), below a depth of 100 metres from the surface of the earth;
 - (d) a natural reservoir, as defined in section 4 of the *Petroleum and Geothermal Energy Act 2000* (SA), below a depth of 100 metres from the surface of the earth;
 - (e) geothermal energy, as defined in section 4 of the *Petroleum and Geothermal Energy Act 2000* (SA) the source of which is below a depth of 100 metres from the surface of the earth.

For the purposes of this item 1 and the avoidance of doubt:

- (f) a geological structure (in whole or in part) on or at the earth's surface or a natural cavity which can be accessed or entered by a person through a natural opening in the earth's surface, is not a natural reservoir;
- (g) thermal energy contained in a hot or natural spring is not geothermal energy as defined in section 4 of the *Petroleum and Geothermal Energy Act 2000* (SA);
- (h) the absence from this Order of any reference to a natural reservoir or a naturally occurring accumulation of a regulated substance, as those terms are defined in section 4 of the *Petroleum and Geothermal Energy Act 2000* (SA), above a depth 100 metres below the surface of the earth or geothermal energy the source of which is above a depth of 100 metres below the surface of the earth is not, of itself, to be taken as an indication of the existence or otherwise of native title rights or interests in such natural reservoir, naturally occurring accumulation of a regulated substance or geothermal energy.

2. Native title rights and interests have been extinguished in the areas of Native Title Land covered by Public Works (including the land and waters defined in section 251D of the *Native Title Act*) which were constructed, established or situated prior to 23 December 1996 or commenced to be constructed or established on or before that date.
3. Public Works constructed, established or situated after 23 December 1996 on Native Title Land have had such effect as has resulted from Part 2, Division 3, of the *Native Title Act*.
4. Native title rights and interests have been extinguished over all roads which have been delineated in a public map pursuant to section 5(d)(ii) of the *Crown Lands Act 1929 (SA)* or section 70(3) or (4) of the *Crown Land Management Act 2009 (SA)* or which have otherwise been validly established pursuant to South Australian statute or common law.
5. Native title rights and interests do not exist over the following parcels (insofar as they are within the Determination area):

Parcel Identifier	Hundred	Current Tenure
H833100S547	OH(MARREE)	CROWN
F218779A2	OH(MARREE)	CT5883/110
H833100S546	OH(MARREE)	CR5771/761
D35809A211	OH(MARREE)	CR5753/160
H833100S545	OH(MARREE)	CR5771/760
F218779A3	OH(MARREE)	CT5883/110
F218779A4	OH(MARREE)	CT5883/110

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.