

Schedule 5 – Areas Not Forming Part of the Determination Area

The following areas of land and waters are excluded from the Determination Area as described in Part 1 of Schedule 4 and Part 2 of Schedule 4:

1. Those land and waters within the External Boundary in relation to which one or more Previous Exclusive Possession Acts, within the meaning of s 23B of the *Native Title Act 1993* (Cth) was done and was attributable to either the Commonwealth or the State, and to which none of ss 47, 47A or 47B of the *Native Title Act 1993* (Cth) applied, 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 paragraph (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), including but not limited to the whole of the land and waters described as:

Area description (at the time of the Determination)
Lot 236 on SP273204
Lot 3 on SP273204
Lot 5 on SP273204
Lot 7 on SP273204
Lot 8 on SP273204
Lot 9 on SP273204
Lot 10 on SP273204

Lot 11 on SP273204
Lot 36 on SP273204
Lot 37 on SP273204
Lot 995 on SP273204
Lot 35 on SP273204
Lot 38 on SP273204
Lot 39 on SP273204
Lot 40 on SP273204
Lot 41 on SP273204
Lot 42 on SP273204
Lot 43 on SP273204
Lot 44 on SP273204
Lot 45 on SP273204
Lot 46 on SP273204
Lot 47 on SP273204
Lot 48 on SP273204
Lot 49 on SP273204
Lot 50 on SP273204
Lot 51 on SP273204
Lot 12 on SP273204
Lot 13 on Sp273204
Lot 34 on SP273204
Lot 33 on SP273204
Lot 32 on SP273204

Lot 54 on SP273204
Lot 55 on SP273204
Lot 56 on SP273204
Lot 57 on SP273204
Lot 58 on SP273204
Lot 59 on SP273204
Lot 60 on SP273204
Lot 68 on SP273204
Lot 66 on SP273204
Lot 65 on SP273204
Lot 64 on SP273204
Lot 63 on SP273204
Lot 62 on SP273204
Lot 61 on SP273204
Lot 72 on SP273204
Lot 73 on SP273204
Lot 74 on SP273204
Lot 75 on SP273204
Lot 76 on SP273204
Lot 77 on SP273204
Lot 78 on SP273204
Lot 222 on SP273204
Lot 221 on SP273204
Lot 122 on SP273204

Lot 121 on SP273204
Lot 120 on SP273204
Lot 140 on SP273204
Lot 119 on SP273204
Lot 118 on SP273204
Lot 117 on SP273204
Lot 116 on SP273204
Lot 115 on SP273204
Lot 114 on SP273204
Lot 113 on SP273204
Lot 112 on SP273204
Lot 111 on SP273204
Lot 110 on SP273204
Lot 109 on SP273204
Lot 108 on SP273204
Lot 123 on SP273204
Lot 124 on SP273204
Lot 125 on SP273204
Lot 126 on SP273204
Lot 127 on SP273204
Lot 86 on SP273204
Lot 87 on SP273204
Lot 88 on SP273204
Lot 89 on SP273204

Lot 90 on SP273204
Lot 91 on SP273204
Lot 80 on SP273204
Lot 82 on SP273204
Lot 83 on SP273204
Lot 84 on SP273204
Lot 92 on SP273204
Lot 93 on SP273204
Lot 94 on SP273204
Lot 95 on SP273204
Lot 96 on SP273204
Lot 97 on SP273204
Lot 98 on SP273204
Lot 29 on SP273202
Lot 28 on SP273202
Lot 99 on SP273204
Lot 100 on SP273204
Lot 101 on SP273204
Lot 102 on SP273204
Lot 103 on SP273204
Lot 104 on SP273204
Lot 105 on SP273204
Lot 106 on SP273204
Lot 36 on SP287795

Lot 99 on SP287795
Lot 37 on SP287795
Lot 411 on SP273204
Lot 412 on SP273204
Lot 15 on SP273204
Lot 16 on SP273204
Lot 17 on SP273204
Lot 18 on SP273204
Lot 19 on SP273204
Lot 413 on SP273204
Lot 131 on SP273202
Lot 133 on SP273204
Lot 134 on SP273204
Lot 135 on SP273204
Lot 136 on SP273204
Lot 137 on SP273204
Lot 138 on SP273204
Lot 139 on SP273204
Lot 148 on SP273204
Lot 147 on SP273204
Lot 146 on SP273204
Lot 145 on SP273204
Lot 144 on SP273204
Lot 143 on SP273204

Lot 149 on SP273202
Lot 150 on SP273202
Lot 151 on SP273202
Lot 152 on SP273202
Lot 153 on SP273202
Lot 154 on SP273202
Lot 161 on SP273204
Lot 162 on SP273204
Lot 163 on SP273202
Lot 164 on SP273202
Lot 166 on SP273202
Lot 167 on SP273204
Lot 168 on SP273204
Lot 169 on SP273204
Lot 183 on SP273202
Lot 219 on SP273204
Lot 182 on SP273202
Lot 181 on SP273202
Lot 180 on SP273202
Lot 333 on SP273204
Lot 184 on SP273202
Lot 186 on SP273202
Lot 187 on SP273202
Lot 188 on SP273202

Lot 189 on SP273202		
Lot 190 on SP273204		
Lot 191 on SP273204		
That part of Lot 2 on SP273202 described as the area east, north and west of the line defined by coordinate points 1-4 and the area east of the line defined by coordinate points 5 and 6:		
Point no.	Easting	Northing
1	596273.9	8598348.7
2	596273.9	8598331.7
3	596289.8	8598330.9
4	596290.3	8598348.3
5	596315.7	8598347.7
6	596315.6	8598299.3

3. Those land and waters within the External Boundary that were excluded from the Native Title Determination Application on the basis that, at the time of the Native Title Determination Application, they were an area where native title rights and interests had been wholly extinguished, and to which none of ss 47, 47A or 47B of the *Native Title Act 1993* (Cth) applied, including, but not limited to:
 - (a) any area where there had been an unqualified grant of estate in fee simple which wholly extinguished native title rights and interests; and
 - (b) any area over which there was an existing dedicated public road which wholly extinguished native title rights and interests.

4. 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.