

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:

Part 1 – Areas excluded on the basis of extinguishment

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, including but not limited to:

Area description (at the time of the Determination)
Lot 1 on RP727446
Lot 1 on RP748697
Lot 112 on BS41
Lot 110 on BS41
Lot 162 on SP241623
Lot 165 on SP241623
Lot 171 on BS164
Lot 192 on CP907233
Lot 2 on RP748697
Lot 3 on BS78
Lot 3 on RP748697

- (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:

Area description (at the time of the Determination)
Lot 18 on CP867050
Lot 177 on BS172
Lot 178 on BS172
Lot 179 on BS172
Lot 180 on BS172
Lot 181 on BS172
Lot 182 on BS172
Lot 174 on BS124
Lot 184 on BS172
Lot 185 on BS172

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, including but not limited to Lot 103 on SP253484 and Lot 111 on BS41; 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.

Part 2 – Other excluded areas

1. The areas of land and waters described as Lot 1 on SP116188.