

Schedule 3 – Areas Not Forming Part of the Determination Area

The following areas of land and waters do not form part of the Determination Area as described in Part 1 of Schedule 2 and Part 2 of Schedule 2:

1. Those land and waters in the Determination Area, or any part thereof, as described in Part 1 of Schedule 2 and Part 2 of Schedule 2:
 - (a) 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).
 - (b) specifically, and to avoid any doubt, the land and waters, or any part thereof, described in paragraph (1)(a) above includes:
 - (i) 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.
 - (ii) 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).
 - (c) 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.
2. Those land and waters 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, including, but not limited to, the land and waters within the area covered by a corridor 15 metres either side of the centre line of the present alignment of the existing road which connects the town of Aurukun to the Peninsula Developmental Road.
3. That part of Lot 211 on SP241404 formerly subject to Sub Lease A on AP9682 on the basis that at the time the Native Title Determination Application was made it was, or had been, the subject of one or more 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 applied.

4. The whole of the following areas of land and waters on the basis that at the time the Native Title Determination Application was made, public works, as defined in s 253 of the *Native Title Act 1993* (Cth), were constructed, established or situated on those areas and ss 23B(7) and 23C(2) of the *Native Title Act 1993* (Cth) and s 21 of the *Native Title (Queensland) Act 1993* (Qld) applied, together with any adjacent land or waters in accordance with s 251D of the *Native Title Act 1993* (Cth), including but not limited to:
 - (a) that part of Lot 2 on SP266598 subject to an area of closed road identified and delineated by stations C-D-B-C on SP266598;
 - (b) Lot 17 on SP248411;
 - (c) Lot 8 on SP266597;
 - (d) Lot 5 on SP266596;
 - (e) Lot 6 on SP266596;
 - (f) Lot 3 on SP239437;
 - (g) Lot 73 on SP266597
 - (h) Lot 4 on SP239438; and
 - (i) Lot 247 on SP267943.
5. The whole of the land and waters described as Lot 20 on SP266606 and Lot 7 on SP266597 on the basis that 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) applied and which wholly extinguished native title.