



Schedule 4 – 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 3 and Part 2 of Schedule 3.

Part 1 – Areas excluded on the basis of extinguishment

1. Those land and waters in the Determination Area, or any part thereof, as described in Part 1 of Schedule 3 and Part 2 of Schedule 3:
 - (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. 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:

Area description (at the time of the Determination)
Lot 44 on SP272059
Lot 203 on SP272071
Lot 205 on SP272075
Lot 12 on SP272075
Lot 13 on SP272075
Lot 14 on SP272075
Lot 16 on SP272059
Lot 167 on SP272059
Lot 17 on SP278087
Lot 20 on SP272071
Lot 51 on SP272070
That part of Lot 202 on SP272069 subject to closed road identified and delineated on RA3421
That part of Lot 92 on SP272069 subject to closed road identified and delineated on RA3421
That part of Lot 261 on SP272069 subject to closed road identified and delineated on RA3421
Lot 31 on SP243952
Lot 11 on SP272075
Lot 28 on SP272074
Lot 29 on SP243945
Lot 32 on SP272072
Lot 38 on SP263800
Lot 25 on SP272075
Lot 42 on SP272072
Lot 45 on SP272072
Lot 46 on SP272059



Lot 15 on SP272072
Lot 47 on SP272058
Lot 49 on SP272058
Lot 10 on SP272075
That part of Lot 206 on SP272069 subject to closed road identified and delineated on RA3421
That part of Lot 70 on SP272069 subject to closed road identified and delineated on RA3421
That part of Lot 19 on SP224321 subject to an area of closed road and identified and delineated by stations G-F on SP224321
That part of Lot 21 on SP272075 that is subject to an area identified as closed road on SP272075

3. 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.
4. The following areas of land and waters 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.
 - (a) Lot 100 on SP272075;
 - (b) Lot 101 on SP272075;
 - (c) Lot 807 on SP263800; and
 - (d) that part of Lot 21 on SP272075 excluding the area identified as closed road on SP272075.



Part 2 – Other excluded areas

1. The land and waters subject to the Kowanyama People Part C Native Title Determination.