



1.5 Schedule 5 – Areas Not Forming Part of the Determination Area

1.5.1 Part 1 – Areas to be excluded on the basis of extinguishment

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 which at the time the Native Title Determination Application was made had been the subject of one or more Previous Exclusive Possession Acts, within the meaning of s 23B of the *Native Title Act 1993* (Cth) 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 the whole of the land and waters described as:
 - (i) that part of Lot 4105 on Plan SP279603 that is subject to former Lot 1 on MPH4173 being MHL139;
 - (ii) Lot 2 on Plan RP818179;
 - (iii) Lot 1 on Plan BD2;
 - (iv) Lot 2 on Plan BD2;
 - (v) Lot 6 on Plan BD55;
 - (vi) Lot 100 on Plan SP108163;
 - (vii) Lot 101 on Plan SP135875;
 - (viii) Lot 56 on Plan BD98;
 - (ix) Lot 57 on Plan BD98;



- (x) Lot 58 on Plan BD98;
 - (xi) Lot 15 on Plan C19646;
 - (xii) Lot 16 on Plan C19646;
 - (xiii) Lot 17 on Plan C19646;
 - (xiv) Lot 18 on Plan C19646;
 - (xv) Lot 15 on Plan BD15;
 - (xvi) That part of Lot 51 on Plan SP265801 described as former Lot 51 on Plan CP857735.
- (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:
- (i) Lot 13 on Plan C1961;
 - (ii) Lot 135 on Plan C1961;
 - (iii) Lot 136 on Plan C1961;
 - (iv) Lot 99 on Plan BD168;
 - (v) Lot 50 on Plan CP893733;
 - (vi) Lot 8 on Plan BD107;
 - (vii) Lot 116 on Plan BD211;
 - (viii) Lot 38 on Plan SP130415; and
 - (ix) Lot 9 on Plan AL79.
- (c) 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.

- (d) Those land and waters within the External Boundary which, at the time the native title determination application was made, were the subject of one or more Pre-existing Rights Based Acts, within the meaning of s 24IB of the *Native Title Act 1993* (Cth), which wholly extinguished native title.

1.5.2 Part 2 – Other excluded areas

1. Those parts of Lot 1 on Plan AL78 and Lot 2038 on Plan PH460 that fall within the External Boundary are excluded from the Determination Area on the basis that they comprise the area partitioned as Part B of this proceeding pursuant to the Orders made in this proceeding (QUD 556 of 2015) on 25 March 2022.
2. The following areas are excluded from the Determination Area, to the extent they are not otherwise excluded by the terms of Part 1 of Schedule 5, on the basis that they are proposed to be resolved as part of the Mitakoodi and Mayi People and State of Queensland Tenure Resolution Indigenous Land Use Agreement:
 - (a) Lot 23 on Plan CP896272;
 - (b) Lot 33 on Plan BD68;
 - (c) Lot 43 on Plan AP23963; and
 - (d) Lot 7 on Plan CP905412.