



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 – Area excluded on the basis of extinguishment

1. Those land and waters within the External Boundary which at the time the native title determination application was made were, or had been, the subject of one or more Previous Exclusive Possession Acts, within the meaning of s 23B of the NTA as they could not be claimed in accordance with s 61A of the NTA.
2. Specifically, and to avoid any doubt, the land and waters described in (1) above includes:
 - (a) the Previous Exclusive Possession Acts described in ss 23B(2) and 23B(3) of the NTA 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 NTA applied, including but not limited to the whole of the land and waters described as:
 - (i) Lot 300 on CWL3395;
 - (ii) Lot 2 on Plan CWL379;
 - (iii) That part of Lot 309 on Plan CWL2958 not forming the area described as former Portion 216 on Plan CWL585;
 - (iv) Lot 267 on Plan CWL3206;
 - (v) Lot 253 on Plan CWL3226;
 - (vi) Lot 301 on Plan CWL3360;
 - (vii) That part of Lot 2 on Plan CWL3421 included in former Portion 30 on Plan CWL3112;
 - (viii) Lot 99 on Plan CWL3456;
 - (ix) Lot 401 on Plan R5995;
 - (x) Lot 402 on Plan R5995;
 - (xi) Lot 694 on Plan RP748643;
 - (xii) Lot 96 on Plan RP749684;
 - (xiii) Lot 905 on Plan RP800631;
 - (xiv) Lot 31 on Plan RP835430;



- (xv) Lot 67 on Plan RP835459;
 - (xvi) Lot 447 on Plan SP106050; and
 - (xvii) Lot 101 on Plan SP124675.
- (b) the land and waters on which any public work, as defined in s 253 of the NTA, is or was constructed, established or situated, and to which ss 23B(7) and 23C(2) of the NTA 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 NTA, including, but not limited to, the whole of the land and waters described as:
- (i) That part of Lot 275 on Plan SP106052 not forming the area described as former Portion 275 on Plan H25336;
 - (ii) Lot 267 on Plan CWL3206;
 - (iii) Lot 77 on Plan CWL3479; and
 - (iv) Lot 13 on Plan H25351.
3. 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 NTA applies, and which wholly extinguished native title.
4. 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 NTA, which wholly extinguished native title.

Part 2 – Other excluded areas

1. To the extent they are within the External Boundary, those land and waters described as:
- (a) That part of Lot 1 on Plan AP19291 described as former Portion 241 on Plan CWL2711;
 - (b) Lot 23 on Plan CP851463;
 - (c) Lot 94 on Plan CP865093;



- (d) That part of Lot 248 on Plan CP895988 described as former Lot 245 on Plan CWL2807;
- (e) Lot 23 on Plan CP902760;
- (f) Lot 12 on Plan CP903633;
- (g) Lot 257 on Plan CWL146;
- (h) Lot 4 on Plan CWL1539;
- (i) Lot 307 on Plan CWL2908;
- (j) Lot 264 on Plan CWL3023;
- (k) Lot 62 on Plan CWL3204;
- (l) That part of Lot 47 on Plan CWL3460 excluding former Portion 47V on Plan N25505;
- (m) Lot 754 on Plan FTY1925;
- (n) Those parts of Lot 66 on Plan NPW890 described as Lot C on Plan CWL3128 and Lot 36 on Plan CWL2542;
- (o) That part of Lot 7 on Plan R59915 described as former Allotment 7 of Section 11 on Plan R59914;
- (p) Lot 21 on Plan R59916;
- (q) Lot 4 on Plan SP104560;
- (r) Lot 37 on Plan SP121861;
- (s) Lot 242 on Plan SP166985;
- (t) Lot 311 on Plan SP181099;
- (u) That part of Lot 40 on Plan SP238236 described as former Lot 37 on Plan CWL2850;
- (v) Lot 306 on Plan SP257001;
- (w) That part of Lot 24 on Plan SP271386 excluding an area of former Road on Plan CWL2982; and
- (x) Lot 1 on Plan SP306250