



## Schedule 4 – Areas Not Forming Part of the Determination Area

The following areas of land and waters are excluded from the Determination Area as described in Schedule 3:

### Part 1 – determined areas (native title does not exist)

1. Those land and waters subject to a determination that native title does not exist in the Hopevale Determination.
2. Specifically, and to avoid doubt, the lands and waters described in (1) above are those parts of the land and waters within Lot 35 on SP232620 at the time the Hopevale Determination was made that were formerly subject to the following historical tenures:

Portion 90 on Crown Plan C.157.72	Portion 288 on Plan No. BK157.59
Portion 24V on Plan No. BK.157.126	Portion 158 on Crown Plan C.157.141
Portion 143 on Crown Plan C157.141	Portion 135 on Crown Plan C.157.140
Portion 291 on Crown Plan C157.60	Portion 140 on Crown Plan C157.139

### Part 2 – determined areas (native title does exist)

3. Those land and waters subject to a determination that native title does exist in the Hopevale Determination.
4. Specifically, and to avoid doubt, the lands and waters described in (3) above are the land and waters within Lot 35 on SP232620 at the time the Hopevale Determination was made, save for:
  - (a) those areas identified in Part 1 above;
  - (b) permanent roads that are both dedicated and constructed or constructed; and
  - (c) the land and waters subject to historical portions 2V on BK157104, 6V on BK157104, 16V on BK157110 and 18V on BK157113.

### Part 3 – undetermined extinguished areas

5. Those land and waters 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 *Native Title Act*



1993 (Cth) as they could not be claimed in accordance with s 61A of the *Native Title Act 1993* (Cth).

6. Specifically, and to avoid any doubt, the land and waters described in (5) 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:

<b>Area description (at the time of the determination)</b>		
Lot 36 on BS222	Lot 20 on SP242970	Lot 44 on SP242970
Lot 9 on BS223	Lot 21 on SP242970	Lot 45 on SP242970
Lot 10 on BS224	Lot 22 on SP242970	Lot 46 on SP242970
Lot 1 on SP242970	Lot 23 on SP242970	Lot 47 on SP242970
Lot 2 on SP242970	Lot 26 on SP242970	Lot 48 on SP242970
Lot 3 on SP242970	Lot 27 on SP242970	Lot 49 on SP242970
Lot 4 on SP242970	Lot 28 on SP242970	Lot 50 on SP242970
Lot 5 on SP242970	Lot 29 on SP242970	Lot 51 on SP242970
Lot 6 on SP242970	Lot 30 on SP242970	Lot 52 on SP242970
Lot 7 on SP242970	Lot 31 on SP242970	Lot 53 on SP242970
Lot 8 on SP242970	Lot 32 on SP242970	Lot 998 on SP242970
Lot 9 on SP242970	Lot 33 on SP242970	Lot 31 on SP251072
Lot 10 on SP242970	Lot 34 on SP242970	Lot 32 on SP251072
Lot 11 on SP242970	Lot 35 on SP242970	Lot 33 on SP251072
Lot 12 on SP242970	Lot 36 on SP242970	Lot 34 on SP251072
Lot 13 on SP242970	Lot 37 on SP242970	Lot 37 on SP251072



Lot 14 on SP242970	Lot 38 on SP242970	Lot 501 on SP281328
Lot 15 on SP242970	Lot 39 on SP242970	Lot 502 on SP281328
Lot 16 on SP242970	Lot 40 on SP242970	Lot 503 on SP281328
Lot 17 on SP242970	Lot 41 on SP242970	Lot 991 on SP312758
Lot 18 on SP242970	Lot 42 on SP242970	Lot 992 on SP312758
Lot 19 on SP242970	Lot 43 on SP242970	Lot 25 on SP322515

(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).

7. Those land and waters within the Determination Area 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.