



SCHEDULE 1 – DETERMINATION AREA

Part 1 – External Boundary

- 1 The application area covers all the land and waters within the external boundary described as:

Commencing at the northern junction of the South Australian and Victorian borders, and continuing generally south easterly along the Victorian border to its junction with the New South Wales border; then generally easterly and generally south easterly along the Victoria / New South Wales border to Latitude 34.421167° South; then westerly to a point on the centreline of an unnamed track at Longitude 142.350929° East, Latitude 34.421150° East; then westerly along the centreline of that track to Barko Road; then southerly along the centreline of that road to Hards Road (Bullock Swamp Road); then generally westerly; north westerly, again westerly and south westerly along the centreline of that road, Iraak Lake Road (around the southern portion of Lake Iraak) and Birkins Road to the Calder Highway north of Carwarp township; then generally south easterly along the centreline of the Calder Highway to an unnamed track in the locality of Hattah at approximate Latitude 34.760831° South; then generally south westerly along the centreline of that track across the Yelta Line railway to Camerons Road; then generally north westerly and westerly along the centreline of that road, Last Hope Track and Pheenys Track to the South Australian border; then generally northerly along the South Australian / Victorian border back to the commencement point.

Part 2 – Land and waters

- 2 All land and waters within the External Boundary form part of the Determination Area except to the extent they are excluded in accordance with paragraphs 3 and 4 below.
- 3 The following areas of land and waters are excluded from the Determination Area:
- (1) any area that is subject to any of the following kinds of acts as they are defined in the NTA where the act in question is attributable to the Commonwealth, or the LTVA where the act in question is attributable to the State of Victoria, and where native title rights and interests have been extinguished:
 - (a) category A past acts;
 - (b) category A intermediate period acts;
 - (c) category B past acts that are wholly inconsistent with the continued existence of all native title rights and interests; and
 - (d) category B intermediate period acts that are wholly inconsistent with the continued existence of all native title rights and interests.
 - (2) any area in relation to which a previous exclusive possession act as defined in s 23B of the NTA (including s 23B(7)) was done in relation to the area and the act was



attributable to the State where native title rights and interests have been extinguished pursuant to s 23E of the NTA and ss 13H or 13I of the LTVA, including but not limited to;

- (a) 447 Dow Avenue, Irymple, land description Lot 10 on Plan of Subdivision 082409 (10/PS082409) and currently entered on the Certificate of Title Register as Volume 08773 Folio 533;
- (b) 186 – 190 San Mateo Avenue, Mildura, land description Lot 1 on Title Plan 677419U (1/TP677419U) and currently entered on the Certificate of Title Register as Volume 04858 Folio 483;
- (c) 145 Oak Avenue, Birdwoodton, land description Crown Allotment 59A, Section E, Parish of Mildura (Crown Folio Volume 11755 Folio 029);
- (3) any area in relation to which a previous exclusive possession act as defined in s 23B of the NTA (including s 23B(7)) was done in relation to the area and the act was attributable to the Commonwealth where native title rights and interests have been extinguished pursuant to s 23C of the NTA;
- (4) any area in relation to which a public work, as defined in s 253 of the NTA, validly constructed, established or situated after 23 December 1996, where s 24JA of the NTA applies, and which wholly extinguished native title; and
- (5) any area where native title rights and interests have otherwise been validly wholly extinguished,

except to the extent any of ss 47A or 47B of the NTA apply to a part or the whole of the relevant area.

4 For the avoidance of doubt, the following areas are excluded from the Determination Area:

- (1) All of the land and waters the subject of the following native title determinations:
 - (a) VCD2005/001 Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 1 as determined 13th December 2005;
 - (b) VCD2005/002 Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 2 as determined 13th December 2005; and
 - (c) VCD2005/003 Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 3 as determined 13th December 2005.



(2) All of the land and waters the subject of the following Indigenous Land Use Agreement:

(a) VI2004/008 Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk as registered 11 November 2005.