

SCHEDULE 4 – AREAS WHERE EXTINGUISHMENT IS TO BE DISREGARDED PURSUANT TO THE NTA

Part 1 – Areas to which section 47A of the NTA applies

- 1 Within the Determination Area there are areas where, on 8 October 2015 when the application was made, the area was held expressly for the benefit of, or was held on trust, or reserved, expressly for the benefit of Aboriginal peoples or Torres Strait Islanders, within the meaning of s 47A(1)(b)(ii) of the NTA.
- 2 On 8 October 2015 when the application was made, one or more members of the native title claim group occupied each of the areas described in [1] for the purposes of s 47A(1)(c) of the NTA.
- 3 On the basis of [1] and [2], and s 47A(1) of the NTA, s 47A applies to each of the areas described in [1].

Part 2 – Areas to which section 47B of the NTA applies

- 4 Within the Determination Area there are areas where, on 8 October 2015 when the application was made, the area was not:
 - (1) covered by a freehold estate or a lease, within the meaning of s 47B(1)(b)(i); or
 - (2) covered by a reservation, proclamation, dedication, condition, permission or authority, made or conferred by the Crown in any capacity, or by the making, amendment or repeal of legislation of the Commonwealth, a State or a Territory, under which the whole or a part of the land or waters in the area was to be used for public purposes or a particular purpose, within the meaning of s 47B(1)(b)(ii); or
 - (3) subject to a resumption process, within the meaning of s 47B(1)(b)(iii).
- 5 On 8 October 2015 when the application was made, one or more members of the native title claim group occupied each of the areas described in [4] for the purposes of s 47B(1)(c) of the NTA.
- 6 On the basis of [4] and [5], and s 47B(1) of the NTA, s 47B applies to each of the areas described in [4].