



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 Part 3 of Schedule 2:

1. Those land and waters which at the time the native title determination application was made were 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).
2. Specifically, and to avoid any doubt, the land and waters described in (1) above include:
 - (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 19 on SP106585 formerly described as Lot 15 on SL3058, which was subject to Special Lease 22860;
 - (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) apply, together with any adjacent land or waters in accordance with s 251D of the *Native Title Act 1993* (Cth).