



## SCHEDULE FIVE

### AREAS WHERE NATIVE TITLE DOES NOT EXIST (PARAGRAPH 2)

Native title does not exist in relation to land and waters the subject of the following interests within the Part A Determination Area which, with the exception of public works (as described in clause 2 of this Schedule), are generally shown as shaded in pink on the maps at Schedule Two.

#### 1. Port of Derby

The Derby Port Area as vested in the Minister for Transport by proclamation on 5 February 1982 under the *Marine and Harbours Act 1981* (WA).

#### 2. Public Works

Any other public work as that expression is defined in the *Native Title Act* and the *Titles Validation Act* (including the land and waters on which a public work is constructed, established or situated as described in s 251D of the *Native Title Act*) and to which s 12J of the *Titles Validation Act* or s 23C(2) of the *Native Title Act* applies.