



## SCHEDULE 5 – AREAS NOT FORMING PART OF THE DETERMINATION AREA

The following areas of land and waters are excluded from the Determination Area:

1. The following areas were specifically excluded in the amended native title determination application filed on 18 August 2020 being:
  - (a) The following lots:
    - (i) Lot 4 on B14467;
    - (ii) Lot 21 on SP112712;
    - (iii) Lot 31 on SP112713;
    - (iv) Lot 32 on SP112713;
    - (v) Lot 33 on SP112713;
    - (vi) Lot 34 on SP112713;
    - (vii) Lot 41 on SP112714;
    - (viii) Lot 51 on SP112715;
    - (ix) Lot 52 on SP112715;
    - (x) Lot 4 on SP112914;
    - (xi) Lot 6 on SP112914;
    - (xii) Lot 9 on SP112914;
    - (xiii) Lot 29 on SP139310;
  - (b) Current Roads which are within the External Boundary but do not fall within the Southern Area;
  - (c) Those land and waters within the External Boundary on which, at the time the native title determination application was made, public works were validly constructed, established or situated after 23 December 1996, where s 24JA of the *Native Title Act 1993* (Cth) applies, and which wholly extinguished native title; and
  - (d) Those land and waters within the External Boundary on which, at the time the native title determination application was made, were the subject of one or more Pre-existing Right Based Acts, within the meaning of s 24IB of the *Native Title Act 1993* (Cth), which wholly extinguished native title, including but not limited to, the whole of the land and waters described as:
    - (i) Lot 1 on SP155683; and
    - (ii) that part of Lot 56 on CP908326 that was not subject to historical Portions 56 on B15757 and 60 on B15766.
2. Those land and waters which are the subject of one or more Previous Exclusive Possession Acts, within the meaning of s 23B(7) of the *Native Title Act 1993* (Cth). Specifically, and to avoid any doubt, the land and waters on which any public work (excluding Current Roads), as defined in s 253 of the *Native Title Act 1993* (Cth), which 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 251D of the *Native Title Act 1993 (Cth)*.

This paragraph only applies to Schedule 4 Parts 1 and 2. It does not apply to Schedule 4 Part 3.