



SCHEDULE 4 – AREAS NOT FORMING PART OF THE DETERMINATION AREA

The following areas of land and waters do not form part of the Determination Area as described in Part 1 of Schedule 3 and Part 2 of Schedule 3:

1. The land and waters described as Lot 1 on WP4, on the basis that at the time the Native Title Determination Application was made, Lot 1 on WP4 was subject to one or more 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 none of ss 47, 47A or 47B of the *Native Title Act 1993* (Cth) applied to disregard that extinguishment.
2. Those land and waters in the Determination Area as described in Part 1 of Schedule 3 and Part 2 of Schedule 3 in relation to which one or more Previous Exclusive Possession Acts, within the meaning of s 23B of the *Native Title Act 1993* (Cth) was done and was attributable to either the Commonwealth or the State, and to which none of ss 47, 47A or 47B of the *Native Title Act 1993* (Cth) applied, as they could not be claimed in accordance with s 61A of the *Native Title Act 1993* (Cth).
3. Specifically, and to avoid any doubt, the land and waters described in paragraph (2) above includes:
 - (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; and
 - (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), applies, together with any adjacent land or waters in accordance with s 251D of the *Native Title Act 1993* (Cth), including but not limited to Lot 3 on WP28.