

### SCHEDULE 3 – WHERE NATIVE TITLE DOES NOT EXIST

**[See Order 2]**

The parts of the determination area where the native title does not exist are those parts shown hatched in red on the map in Schedule 7, being the following areas:

Note: In the descriptions that follow, Latitudes and Longitudes are given in degrees, minutes and seconds and are based on the AUSTRALIAN GEODETIC DATUM 1966.

**(1) WEST AND SOUTH OF COOK REEF**

Commencing at a point on the line described in Part 1(1) of Schedule 1, at the point of Latitude 10° 33' 30" South, at its intersection with the western boundary of the area the subject of proceeding QUD 266 of 2008 [a point west of the western entrance of Prince of Wales Channel], thence in a westerly direction along the parallel of Latitude 10° 33' 30" to its intersection with the meridian of Longitude 141° 00' 00", thence in a northerly direction to its intersection with the Fisheries Jurisdiction Line as described at Annex 8 to the Treaty, and thence north-easterly along that Fisheries Jurisdiction Line to its intersection with the point of Latitude 10° 05' 41" South, thence in a south-easterly direction along the geodesic to the point of Latitude 10° 23' 06" South, Longitude 141° 31' 00" East, thence in a easterly direction along the parallel of Latitude 10° 23' 06" to its intersection with the western boundary of the area the subject of proceeding QUD 266 of 2008 [a point west of the western entrance of Prince of Wales Channel], thence generally south westerly through Bramble Channel following the northern boundary of the area the subject of proceeding QUD 266 of 2008 to the point of commencement.

**(2) NORTH OF PEARCE CAY (GUCHEN SANDBANK)**

Commencing at a point on the line described in Part 1(7) of Schedule 1, at approximately:

<u>Latitude (South)</u>	<u>Longitude (East)</u>
9° 30' 45.7524"	143° 14' 0.9168"

Then following a continuous line, formed by joining the following points:

	<u>Latitude (South)</u>	<u>Longitude (East)</u>
(i)	9° 30' 37.6956"	143° 14' 11.7204"
(ii)	9° 30' 31.3992"	143° 14' 20.7708"
(iii)	9° 30' 24.5808"	143° 14' 31.1316"
(iv)	9° 30' 19.6164"	143° 14' 39.3108"
(v)	9° 30' 14.8752"	143° 14' 47.6592"
(vi)	9° 30' 10.2852"	143° 14' 55.9212"
(vii)	9° 30' 05.5620"	143° 15' 05.7600"
(viii)	9° 30' 00.8388"	143° 15' 15.4656"
(ix)	9° 29' 57.0372"	143° 15' 24.2532"

(x)	9° 29' 52.5768"	143° 15' 35.7948"
(xi)	9° 29' 47.9868"	143° 15' 48.2544"
(xii)	9° 29' 43.9188"	143° 16' 01.2396"
(xiii)	9° 29' 40.5384"	143° 16' 13.4616"
(xiv)	9° 29' 37.8852"	143° 16' 24.4560"
(xv)	9° 29' 35.5848"	143° 16' 34.6260"
(xvi)	9° 29' 33.5580"	143° 16' 46.3584"
(xvii)	9° 29' 31.8516"	143° 16' 56.5896"
(xviii)	9° 29' 30.5412"	143° 17' 07.8684"
(xix)	9° 29' 29.8860"	143° 17' 17.5740"
(xx)	9° 29' 29.0976"	143° 17' 29.3352"
(xxi)	9° 29' 28.7052"	143° 17' 40.3944"
(xxii)	9° 29' 28.5720"	143° 17' 50.3628"
(xxiii)	9° 29' 28.8348"	143° 17' 59.8092"
(xxiv)	9° 29' 29.3604"	143° 18' 11.2176"
(xxv)	9° 29' 30.1488"	143° 18' 20.9268"
(xxvi)	9° 29' 31.3296"	143° 18' 31.5504"
(xxvii)	9° 29' 33.1656"	143° 18' 44.2728"
(xxviii)	9° 29' 35.1312"	143° 18' 56.4696"
(xxix)	9° 29' 37.1328"	143° 19' 05.6388"
(xxx)	9° 29' 39.8544"	143° 19' 17.9796"
(xxxi)	9° 29' 42.4752"	143° 19' 27.5556"
(xxxii)	9° 29' 46.0176"	143° 19' 39.2304"
(xxxiii)	9° 29' 49.1676"	143° 19' 48.4104"
(xxxiv)	9° 29' 52.9152"	143° 19' 59.0520"
(xxxv)	9° 29' 57.4188"	143° 20' 09.7620"
(xxxvi)	9° 30' 02.9880"	143° 20' 21.3360"
(xxxvii)	9° 30' 09.0900"	143° 20' 32.8884"

Then continuing to a point on the line described in Part 1(7) of Schedule 1, at approximately:

<u>Latitude (South)</u>	<u>Longitude (East)</u>
9° 30' 15.1020"	143° 20' 43.3392"

Then following the line described in Part 1(7) of Schedule 1, to the point of commencement.

(3) NORTH OF STEPHEN ISLAND (UGAR)

Commencing at a point described in Part 1(1) of Schedule 1, at the point of Latitude 9° 24' 00" South, Longitude 143° 30' 00" East [point (z) at Annex 8]; thence north-easterly, along the Fisheries Jurisdiction Line as described at Annex 8 to the Treaty, to its intersection with the point of Longitude 143° 40' 28.9" East, thence in a south-westerly direction along the geodesic to the point of Latitude 9° 28' 25.25" South, Longitude 143° 36' 53" East, thence in a westerly direction along the geodesic to the point of intersection with Fisheries Jurisdiction Line as described at

Annex 8 to the Treaty, to the point of Latitude 9° 25' 25" South, thence north-easterly, along the Fisheries Jurisdiction Line as described at Annex 8 to the Treaty, to the point of commencement.

(4) NORTH OF BLACK ROCKS (REBES) AND BRAMBLE CAY (MAIZAB KAUR)

Commencing at a point on the line described in Part 1(5) of Schedule 1, at approximately:

<u>Latitude (South)</u>	<u>Longitude (East)</u>
09° 10' 27.7392"	143° 46' 56.406"

Then following a continuous line, formed by joining the following points:

	<u>Latitude (South)</u>	<u>Longitude (East)</u>
(i)	09° 10' 14.0016"	143° 47' 04.1028"
(ii)	09° 10' 02.2008"	143° 47' 11.2596"
(iii)	09° 09' 49.2372"	143° 47' 19.3848"
(iv)	09° 09' 38.2104"	143° 47' 27.3192"
(v)	09° 09' 27.3744"	143° 47' 35.4444"
(vi)	09° 09' 16.5420"	143° 47' 43.9548"
(vii)	09° 09' 08.2224"	143° 47' 51.5004"
(viii)	09° 08' 58.9380"	143° 48' 00.2088"
(ix)	09° 08' 51.7776"	143° 48' 07.3656"
(x)	09° 08' 44.0412"	143° 48' 15.8796"
(xi)	09° 08' 35.1384"	143° 48' 25.3584"
(xii)	09° 08' 28.3704"	143° 48' 33.6780"
(xiii)	09° 08' 20.8248"	143° 48' 43.5420"
(xiv)	09° 08' 14.4384"	143° 48' 52.0560"
(xv)	09° 08' 07.8612"	143° 49' 01.7292"
(xvi)	09° 07' 58.8108"	143° 49' 16.1328"
(xvii)	09° 07' 51.4164"	143° 49' 29.2008"
(xviii)	09° 07' 44.8392"	143° 49' 42.3552"
(xix)	09° 07' 38.6472"	143° 49' 55.7040"
(xx)	09° 07' 33.8124"	143° 50' 06.9252"
(xxi)	09° 07' 29.5572"	143° 50' 18.5352"
(xxii)	09° 07' 25.2984"	143° 50' 30.3360"
(xxiii)	09° 07' 21.2376"	143° 50' 44.2644"
(xxiv)	09° 07' 16.5936"	143° 51' 02.2572"
(xxv)	09° 07' 13.8864"	143° 51' 15.6060"
(xxvi)	09° 07' 10.7904"	143° 51' 35.7264"
(xxvii)	09° 07' 08.8536"	143° 51' 53.5248"
(xxviii)	09° 07' 07.8888"	143° 52' 09.9696"
(xxix)	09° 07' 07.7304"	143° 52' 28.3476"
(xxx)	09° 07' 08.5512"	143° 52' 46.5168"

(xxxix)	09° 07' 57.4104"	143° 55' 27.9840"
(xl)	09° 08' 06.5868"	143° 55' 42.6900"
(xli)	09° 08' 13.4520"	143° 55' 53.0760"
(xlii)	09° 08' 20.4432"	143° 56' 03.6528"
(xliii)	09° 08' 27.0060"	143° 56' 13.3764"

Then continuing to a point on the described in Part 1(5) of Schedule 1, at approximately:

<u>Latitude (South)</u>	<u>Longitude (East)</u>
09° 08' 32.3952"	143° 56' 20.8788"

Then following the line described in Part 1(5) of Schedule 1, to the point of commencement.

(5) NORTH OF ANCHOR CAY (GARBOI) AND EAST CAY (MISNARE)

Commencing at a point on the line described in Part 1(4) of Schedule 1, at approximately:

<u>Latitude (South)</u>	<u>Longitude (East)</u>
09° 20' 32.7444"	144° 04' 33.0852"

Then following a continuous line, formed by joining the following points:

	<u>Latitude (South)</u>	<u>Longitude (East)</u>
(i)	09° 20' 28.5576"	144° 04' 48.3708"
(ii)	09° 20' 24.6120"	144° 05' 04.7328"
(iii)	09° 20' 20.4180"	144° 05' 24.0684"
(iv)	09° 20' 16.8792"	144° 05' 41.7192"
(v)	09° 20' 14.4348"	144° 05' 56.2344"
(vi)	09° 20' 12.2388"	144° 06' 10.9836"
(vii)	09° 20' 10.7520"	144° 06' 22.7484"
(viii)	09° 20' 08.9304"	144° 06' 38.0304"
(xix)	09° 20' 07.5732"	144° 06' 52.1892"
(x)	09° 20' 06.5472"	144° 07' 07.6440"
(xi)	09° 20' 05.7552"	144° 07' 23.2500"
(xii)	09° 20' 05.3304"	144° 07' 38.8704"
(xiii)	09° 20' 05.0964"	144° 07' 55.5492"
(xiv)	09° 20' 05.3196"	144° 08' 08.2896"

(xv)	09° 20' 05.7912"	144° 08' 19.3740"
(xvi)	09° 20' 06.3780"	144° 08' 33.2952"
(xvii)	09° 20' 07.1772"	144° 08' 46.5684"
(xviii)	09° 20' 08.2140"	144° 08' 59.2080"
(xix)	09° 20' 09.6036"	144° 09' 12.7476"
(xx)	09° 20' 11.2272"	144° 09' 26.5788"
(xxi)	09° 20' 12.7500"	144° 09' 37.7424"
(xxii)	09° 20' 14.1432"	144° 09' 46.6056"
(xxiii)	09° 20' 15.7272"	144° 09' 56.6388"
(xxiv)	09° 20' 17.8656"	144° 10' 08.4252"
(xxv)	09° 20' 20.0868"	144° 10' 19.9272"
(xxvi)	09° 20' 22.3044"	144° 10' 30.4572"
(xxvii)	09° 20' 24.9504"	144° 10' 41.8116"
(xxviii)	09° 20' 27.8196"	144° 10' 53.8176"
(xxix)	09° 20' 30.3648"	144° 11' 03.8328"
(xxx)	09° 20' 32.9460"	144° 11' 13.0704"
(xxxi)	09° 20' 35.4768"	144° 11' 21.2424"
(xxxii)	09° 20' 37.9932"	144° 11' 29.7780"
(xxxiii)	09° 20' 42.2772"	144° 11' 43.4112"
(xxxiv)	09° 20' 45.4272"	144° 11' 53.1096"
(xxxv)	09° 20' 50.7228"	144° 12' 07.3764"
(xxxvi)	09° 20' 54.7368"	144° 12' 18.2808"
(xxxvii)	09° 20' 58.3980"	144° 12' 27.8640"
(xxxviii)	09° 21' 02.8512"	144° 12' 38.4264"
(xxxix)	09° 21' 07.0632"	144° 12' 47.9664"
(xl)	09° 21' 12.3840"	144° 13' 00.1452"
(xli)	09° 21' 17.8812"	144° 13' 11.6256"
(xlii)	09° 21' 24.7932"	144° 13' 25.3812"
(xliii)	09° 21' 31.8708"	144° 13' 39.0216"
(xliv)	09° 21' 38.6172"	144° 13' 51.3480"
(xlv)	09° 21' 47.7612"	144° 14' 07.4688"
(xlvi)	09° 21' 54.9072"	144° 14' 19.4640"
(xlvii)	09° 22' 04.0008"	144° 14' 33.8244"
(xlviii)	09° 22' 11.8416"	144° 14' 45.8916"
(xlix)	09° 22' 19.4520"	144° 14' 56.6628"
(l)	09° 22' 29.1252"	144° 15' 10.1484"
(li)	09° 22' 39.5040"	144° 15' 23.6124"
(lii)	09° 22' 52.0176"	144° 15' 39.2832"
(liii)	09° 23' 03.7644"	144° 15' 53.2260"
(liv)	09° 23' 14.0028"	144° 16' 04.7748"
(lv)	09° 23' 22.6536"	144° 16' 14.3004"
(lvi)	09° 23' 32.6580"	144° 16' 24.6180"
(lvii)	09° 23' 42.4752"	144° 16' 34.4352"
(lviii)	09° 23' 54.5424"	144° 16' 46.1424"
(lvix)	09° 24' 05.5764"	144° 16' 56.4600"

(lx)	09° 24' 17.0316"	144° 17' 06.5652"
(lxi)	09° 24' 28.6272"	144° 17' 16.4184"
(lxii)	09° 24' 40.8564"	144° 17' 26.5092"
(lxiii)	09° 24' 51.6168"	144° 17' 34.9980"

Then continuing to a point on the described in Part 1(4) of Schedule 1, at approximately:

<u>Latitude (South)</u>	<u>Longitude (East)</u>
09° 25' 00.3648"	144° 17' 41.5284"

Then following the line described in Part 1(4) of Schedule 1, to the point of commencement.

(6) EAST AND SOUTH OF MURRAY ISLAND (MER)

Commencing at a point described in Part 1(1) of Schedule 1, at meridian of Longitude 144° 15' 00" East at its intersection with the parallel of Latitude 10° 30' 06" South; thence west along the parallel of Latitude 10° 30' 06" to its intersection with meridian of Longitude 143° 40' 49.3500" East

Then following a continuous line, formed by joining the following points:

	<u>Latitude (South)</u>	<u>Longitude (East)</u>
(i)	10° 11' 16.4220"	143° 49' 54.9840"
(ii)	10° 09' 21.3912"	144° 01' 15.6648"
(iii)	10° 09' 14.5332"	144° 01' 19.5492"
(iv)	10° 08' 51.7200"	144° 01' 27.5340"
(v)	10° 08' 14.8848"	144° 01' 41.0304"
(vi)	10° 07' 41.2824"	144° 01' 53.2344"
(vii)	10° 07' 09.2172"	144° 02' 05.7192"
(viii)	10° 06' 38.0376"	144° 02' 19.5396"
(ix)	10° 06' 11.0952"	144° 02' 33.8640"
(x)	10° 05' 38.5620"	144° 02' 50.8704"
(xi)	10° 05' 05.8380"	144° 03' 13.4208"
(xii)	10° 04' 41.7360"	144° 03' 37.8108"
(xiii)	10° 04' 20.3736"	144° 04' 03.5472"
(xiv)	10° 03' 52.1856"	144° 04' 25.6296"
(xv)	10° 03' 25.9668"	144° 04' 45.0516"
(xvi)	10° 02' 56.5008"	144° 05' 01.0104"
(xvii)	10° 02' 31.9452"	144° 05' 10.8348"
(xviii)	10° 02' 11.0184"	144° 05' 21.9840"
(xix)	10° 01' 55.0812"	144° 05' 38.3532"
(xx)	10° 01' 44.6412"	144° 05' 54.7080"
(xxi)	10° 01' 33.3984"	144° 06' 12.8160"
(xxii)	10° 01' 13.3680"	144° 06' 30.6360"

(xxiii)	10° 00' 46.3572"	144° 06' 50.2812"
(xxiv)	10° 00' 16.1172"	144° 07' 15.0528"
(xxv)	9° 59' 53.4660"	144° 07' 36.8652"
(xxvi)	9° 59' 28.9788"	144° 07' 58.5048"
(xxvii)	9° 59' 00.4056"	144° 08' 23.8776"
(xxviii)	9° 58' 45.0192"	144° 08' 43.8216"
(xxix)	9° 58' 36.5196"	144° 09' 06.6888"
(xxx)	9° 58' 32.2680"	144° 09' 25.3080"
(xxxi)	9° 58' 26.6016"	144° 09' 33.1992"
(xxxii)	9° 58' 17.7996"	144° 09' 38.4804"
(xxxiii)	9° 57' 50.7888"	144° 09' 40.9356"
(xxxiv)	9° 57' 23.2596"	144° 09' 41.9040"
(xxxv)	9° 56' 53.9160"	144° 09' 49.7952"
(xxxvi)	9° 56' 29.7564"	144° 10' 03.0324"
(xxxvii)	9° 55' 57.8352"	144° 10' 14.0844"
(xxxviii)	9° 55' 12.1188"	144° 10' 21.3672"
(xxxix)	9° 54' 24.5628"	144° 10' 34.6728"
(xl)	9° 53' 49.7364"	144° 10' 47.7012"
(xli)	9° 53' 17.9448"	144° 11' 04.7256"
(xlii)	9° 53' 06.9504"	144° 11' 13.6824"
(xliii)	9° 52' 57.9216"	144° 11' 24.1908"
(xliv)	9° 52' 51.0384"	144° 11' 37.0716"
(xlv)	9° 52' 48.0036"	144° 11' 52.8396"
(xlvi)	9° 52' 46.3044"	144° 12' 09.4896"
(xlvii)	9° 52' 42.5604"	144° 12' 32.7060"
(xlviii)	9° 52' 32.5920"	144° 12' 51.8472"
(xlix)	9° 52' 21.7164"	144° 13' 05.4912"
(l)	9° 52' 04.1088"	144° 13' 24.7188"
(li)	9° 51' 51.0552"	144° 13' 47.7084"

thence north-easterly along the geodesic to the point of Latitude 9° 51' 24.9552" South, Longitude 144° 15' 00" East, thence south along the meridian of Longitude 144° 15' 00" East to the point of commencement.

(7) SOUTH OF MOUNT ERNEST ISLAND (NAGHIR)

Commencing at a point on the line described in Part 1(1) of Schedule 1, at the point of Latitude 10° 30' 06" South, at its intersection with the eastern boundary of the area the subject of proceeding QUD 266 of 2008 (a point east south east of the eastern entrance of Bramble Channel), thence generally northwesterly, through Bramble Channel following the north eastern boundary of the area the subject of proceeding QUD 266 of 2008 to a point of Latitude 10° 22' 09" South,

Then following a continuous line, formed by joining the following points:

<u>Latitude (South)</u>	<u>Longitude (East)</u>
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(i)	10° 21' 47.6208"	142° 25' 25.3524"
(ii)	10° 21' 26.9172"	142° 25' 57.5616"
(iii)	10° 21' 03.8088"	142° 26' 29.4468"
(iv)	10° 20' 39.2784"	142° 26' 58.7400"
(v)	10° 20' 14.9856"	142° 27' 23.7456"
(vi)	10° 19' 47.5968"	142° 27' 48.5136"
(vii)	10° 19' 16.8852"	142° 28' 12.7776"
(viii)	10° 18' 47.4084"	142° 28' 33.1536"
(ix)	10° 18' 15.7608"	142° 28' 51.6252"

thence south-easterly along the geodesic to the point of Longitude 142° 43' 48" East, Latitude 10° 30' 06" South; thence west along the parallel of Latitude 10° 30' 06" to its intersection with the point of commencement.