Guide to Affidavit Accompanying Native Title Form 1 - Claimant Application

1.  Section 62 of the *Native Title Act 1993* requires that a claimant application must be accompanied by an affidavit sworn by the applicant that verifies that the applicant:

(i)   believes that the native title rights and interests claimed by the native title claim group have not been extinguished in relation to any part of the area covered by the application; and

(ii)   believes that none of the area covered by the application is also covered by an approved determination of native title; and

(iii)   believes that all of the statements made in the application are true; and

(iv)   is authorised by all the persons in the native title claim group to make the application and to deal with matters arising in relation to it. Section 251B of the *Native Title Act 1993* states what it means for the applicant to be *authorised*by all the persons in the native title claim group.

2.  The affidavit must also set out the details of the process of decision-making complied with in authorising the applicant to make the application and to deal with matters arising in relation to it.

3.  The affidavit should be in accordance with [Form 59](https://www.fedcourt.gov.au/forms-and-fees/forms/federal-court-rules/FCA_form059_20190502.doc) of the [Federal Court Rules 2011](http://www.comlaw.gov.au/Series/F2011L01551).

