

3.1 Certifying copies of documents

What is certifying a copy?

Certifying a copy is stating that, in your opinion, the document is a true and complete copy of the original that you have sighted. It is a statement saying a particular document is an identical copy of the original. Certifying copies of documents is a common duty of JPs. It is not certifying the original document is authentic.

What can I certify?

Generally, there is no single piece of legislation in Queensland that dictates the types of original documents that may be certified, who may certify them and the process to be followed. Requirements will vary between documents depending on how they are to be used and the relevant legislation. However, the *Powers of Attorney Act 1998* is quite specific about the method that must be followed when certifying enduring documents.

Information about certifying enduring documents can be found further in this chapter.

In the case of electronic original documents, JPs must apply the same rigour and scrutiny to an electronic document as you would to an original paper copy to ensure the document is a true and complete copy of the original.

Why certify a copy?

It is a common occurrence that a document may need to be held by multiple parties. An example of this is the enduring power of attorney document. Copies of these are normally left with relatives, doctors, financial institutions and solicitors. However, doubt could be raised about whether or not a copy is genuine.

In some cases, a certified copy has the same legal status as the original. Documents certified as true copies of the original, copy or a download give the document more legal weight than an uncertified photocopy.

How to certify a copy?

You should take great care when certifying copies of documents and follow a set of procedures.

Take additional care if the document is in a foreign language. Check it appears the same as the original. Alternatively you may, if possible, photocopy the original yourself or witness the client photocopying the document.

Please ensure you provide your name when certifying documents. If you do not provide your name, the Justices of the Peace Branch may disclose your name to relevant third parties in order to verify the validity of the document(s) you have certified or witnessed.

Certifying a copy of an original

1. The client **must** provide you with the original document from which the copy was made.
2. Check to ensure there are no alterations to the copies.
3. Pay particular attention to names, dates and reference numbers.
4. Endorse the copy with the following certification and apply your seal and registration number.

.....
This is to certify that this is a true and complete copy of the original, which I have sighted.

Date:

Signed:

Name:

Certifying a copy of a copy

At times, clients will present you with copies of a document where the original may have been lost, stolen or damaged. The document presented may or may not have previously been certified as a copy of the original.

1. The client **must** provide you with the copy of the document from which the additional copy was made.
2. Check to ensure there are no alterations to the copies.
3. Pay particular attention to names, dates and reference numbers.
4. While it is appropriate to certify the documents, they can be certified as a copy of a copy.
5. Endorse the copy with the following certification and apply your seal and registration number.

.....
This is to certify that this is a true and complete copy of a copy. Original document not sighted.

Date:

Signed:

Name:
.....

Certifying copy of a download

If the document is a download from a website, you can certify the document as a true copy of a download.

1. The client **must** be able to access the official website where the document has been issued.
2. Observe the client accessing the official website.
3. View the original electronic document.
4. Check there are no alterations to the copies.
5. Pay particular attention to names, dates and reference numbers.
6. Endorse the copy with the following certification and apply your seal and registration number.

.....
This is to certify that this is a true and complete copy of the download, which I have sighted.

Date:

Signed:

Name:
.....

Certifying a printed copy of a document attached to an email

In this instance the certification is that the document which is attached to the email is the original, and the document provided is a copy. Once you have sighted the electronic version it can be certified as a copy of an original document.

In some circumstances a copy will still be a reliable copy even if the formatting of the copy is different to the electronic original. Each case will need to be determined on its own merits before you certify the copy.

Certifying multi-page documents

If the original document has multiple pages, every page must be certified as correct.

1. The client **must** provide you with the original document from which the copy was made.
2. Compare each page of the photocopy with the original document to verify that the photocopy is a true and complete copy of the original document (including any additional pages). Pay particular attention to names, dates and reference numbers in the document.
3. Initial the bottom of every page. If the document does not have numbered pages in the lower right-hand corner of each page, number the pages by inserting page 1 of 40, 2 of 40, and so on.

On the last page, endorse the copy with the following certification and apply your seal and registration number. Some documents, however, are many pages in length and it may not be possible to certify each page. In such cases, you must sign or initial every page and then amend the certification on the last page to read as follows.

.....

This is to certify that this <note the number of pages> page document (each page of which I have numbered and signed) is a true and complete copy of the original <note the number of pages> page document, which I have sighted.

Date:

Signed:

Name:

.....

Certifying copies of enduring powers of attorney, and advance health directives

You may be called upon to certify one or more copies of an enduring power of attorney (EPA) or an advance health directive (AHD). This will be used as proof of the validity of the document and will allow valid copies of the enduring document to be held by more than one person or at more than one place.

Section 45 of the *Powers of Attorney Act 1998* (the POA) provides that a person may prove the existence of an EPA or AHD by producing a certified copy of the original document. The POA provides that a properly certified copy must be certified to the effect that it is a **true and complete** copy of the original.

The following process is suggested to make a certified copy of an original enduring power of attorney or advance health directive:

1. The client **must** provide you with the original document from which the copy was made.
2. Compare each page of the photocopy with the original EPA or AHD to verify that the photocopy is a **true and complete** copy of the original document (including any additional pages). Pay particular attention to names, dates, commencement provisions, terms and reference numbers in the document.
3. Check that the number of pages (including any additional pages) corresponds with the number of pages indicated on the witness certificate in the document.
4. Sign or initial each page of the photocopy (including any additional pages), other than the page on which the certification below is made.
5. Make the following certification on the first or last page and apply your seal, full name and registration number, **including the number of pages** certified.

.....

This is to certify that this is a true and complete copy of the original EPA/AHD.

Date:

Signed:

Name:

.....

Note: Provided the certification is to the effect that the document is a **true and complete** copy of the original, there is no precise wording that must be used. Certification under section 45 could, for example, be achieved with any of the following:

- ...true and complete copy of the original
- ...true and complete copy of the original document
- ...true and complete copy of the original enduring power of attorney
- ...true and complete copy of the original EPA

Further, if you amend the wording on a certified copy stamp you must initial the amendment.

Certifying copies of general powers of attorney

Section 14 of the *Powers of Attorney Act 1998* provides that proof of a copy of a power of attorney must include a certification clause on **each page including the last**. The last page certification clause is slightly different to the other pages (see below).

1. The client **must** provide you with the original document from which the copy was made.
 2. Verify that the copy provided is a true and complete copy of the original and that no additional pages have been added or alterations made on the copy.
 3. Pay particular attention to names, dates and reference numbers.
 4. Check that the number of pages corresponds with the number of pages in the document.
 5. Endorse the copy with the following certifications and apply your seal, full name and registration number.
- Each page of the document except the last page must be certified as a true and complete copy of the corresponding page of the original.

.....
This is to certify that this is a true and complete copy of the corresponding page of the original document.

Date:

Signed:

Name:
.....

- The last page must show certification that the document is a true and complete copy of the original.

.....
This is to certify that this is a true and complete copy of the original document.

Date:

Signed:

Name:
.....

Things to bear in mind

- A copy can be reduced or enlarged in size in comparison to the original document.
- There should not be any:
 - alterations to the original document or the copies, such as words crossed out or changed.
 - use of white-out or correction fluid used in the document.
- Do not cross out or obliterate any reference numbers, bank details, credit card details or passport numbers on the copies for the client.

Frequently asked questions

My certified copy stamp does not have the words ‘and complete’. Can I apply my stamp and handwrite the words ‘and complete’ when certifying a copy of an enduring document?

Yes, you can use a combination of the stamp and handwriting when certifying a copy of an enduring document. You **must initial** the amendment to the stamp to demonstrate that the words ‘and complete’ were added by you at the time of certification.

It is recommended you also insert the **number of pages** you have certified on the copy. These actions will emphasise that the document is complete and the page numbers in the copy are the same as the original.

.....

and complete


This is to certify that this is a true ^{and complete} copy of the original which I have signed.

Date.....

Signed.....

Name.....

initial this change
and note the number
of pages certified.



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Can I purchase certified copy stamps?

Certified copy stamps are available for purchase from the JP Branch online shop at www.qld.gov.au/jpshop.

What if there are multiple forms of identification on a page?

It is recommended you provide one seal for each form of identity that you sight, despite the fact that they are on one sheet of paper. You would provide a seal multiple times if they were on multiple sheets of paper, so attaching multiple seals complies with best practice.

Does the owner of the document need to be present before I can certify the copies?

JPs regularly certify copies of documents for third parties for legitimate reasons e.g. a family member presenting on behalf of another. The owner of the document does not have to be present for you to complete the certification of the copies.

If you have reasonable grounds for concern, it would be in order to query why the third party is presenting the document(s) for certification of copies, then use your judgement as to whether to proceed or not.

Do I need to sight identification when certifying copies?

It is advisable, but not always mandatory, to ask for proof of identity. Your role is certifying that the document is a true copy of what you have sighted.

Can I have some adhesive labels made and apply these to the documents instead of the certified copy stamp?

No. The use of adhesive labels is not sufficient nor permitted by some receiving agencies and could place the document in jeopardy. The certified copy stamps or handwriting the certification should be exercised.

Can I certify a document that will be sent overseas?

Yes. You can certify copies of documents regardless of where they will be presented. However, it is a good idea to check with the client they have confirmed with the receiving agency if a Queensland JP is authorised to complete the certification and if there are any special instructions for how the document is to be certified.

Do copies of coloured documents have to be photocopied in colour?

Unless the client has instructions that state the copies must be in colour, the copies can be made in colour or black and white.

How will I know if the receiving agency will accept the document?

You are not expected to be aware of the certification requirements of receiving agencies. It is a good idea to check with the client if they have any instructions with them that may require a modification to the usual certifications. The client should make enquiries with the receiving agency if they are unsure.

Should I make a note in my logbook when certifying copies?

You can include information in your logbook such as:

- date
- type of document certified, if the document is an EPA or AHD the number of pages certified.
- client's details
- type of identification sighted
- location of signing
- any other relevant details.

Quick guide

Follow these steps to certify any document

- ① You must always sight the source document from which a copy was made—the original, a copy, a web page and so on.

- ② Check there are no alterations to the copies.

- ③ Double-check the names, dates and reference numbers.

- ④ Certify the copy and apply your seal and registration number.

Certifying a copy of a copy

- ① Sight the copy of the document from which the additional copy was made.

- ② Follow the general process.

- ③ Certify the documents as a copy of a copy.

Certifying a copy of a download

- ① Observe the client accessing the official website.

- ② View the original electronic document.

- ③ Follow the general process.

- ④ Certify the documents as a true copy of a download.

Certifying multi-page documents

- ① Follow the general process.

- ② Initial the bottom of every page.

- ③ Number the lower right-hand corner of each page (e.g. 1 of 40, 2 of 40)

- ④ Endorse and sign the back page.

Certifying copies of enduring powers of attorney and advance health directives

- ① Sight the original document from which the copy was made.

- ② Verify that the copy provided is a true and complete copy of the original.

- ③ Double-check the names, dates and reference numbers.

- ④ Check each page (including any additional pages) corresponds with the original.

- ⑤ Initial or sign the bottom of each page, including any additional pages.

- ⑥ On the first or last page certify the copy as being a true and complete copy of the original, including the number of pages certified and apply your seal, full name and registration number.

Certifying copies of general powers of attorney

- ① Sight the original document from which the copy was made.

- ② Check each page corresponds with the original.

- ③ Certify every page except the last as being a true and complete copy of the corresponding page of the original and apply your seal, full name and registration number.

- ④ Certify the final page as a true and complete copy of the original document and apply your seal, full name and registration number.
