

CHAPTER 10:

CERTIFYING COPIES

What are certified copies?

Many organisations, particularly government and financial institutions, require documentation to support entering specific business arrangements. Provision of a “certified copy” to such organisations allows the owner always to retain possession of the original document. At other times, more than one person or organisation may need a copy of the same document, and it is not possible for all to keep the original.

The Role of the JP



As part of your duties, you may be asked to certify that a copy of a document presented to you is a true copy of an original document. Examples of documents that often need to be certified are passports, driver’s licenses, birth certificates, and educational qualifications. You may think that certifying true copies is the easiest of all the witnessing tasks you have to perform, but this is not necessarily the case because it is also a process most open to fraud. For this reason, you should be wary when certifying true copies.



Handy Tips: Certifying Documents

- ✓ The original document and the copy must both be present for all documents at the time of certification.
- ✓ As the certifying officer, you must be convinced that the original document presented is genuine. Original documents often have a logo, a seal, or a watermark. If in doubt, decline to witness the document.
- ✓ The copy being presented must replicate the original document in its entirety, e.g., some Queensland Birth Certificates are not in A4 format. Therefore, registration numbers are often left off the photocopy.
- ✓ Photocopied documents reduced in size can still be certified, as can documents in black and white, even if the original was in colour. The proviso with this is that the writing and design features must be the same as the original.
- ✓ If the document being certified is a complicated one with a lot of text that needs to be compared, it may be easier for you to photocopy the document yourself.
- ✓ The owner of the document does not need to present for certification to take place.
- ✓ If multiple items need certifying on one page, then each will need to be certified separately.
- ✓ Avoid writer’s cramp – buy a stamp! Certifying copies of documents can take a long time to handwrite the required certification on every document. The QJA sells a range of stamps with the most frequent certification phrases. Buying one of these is an excellent investment.



Steps for certifying copies of original one-page documents.

1. Ask the person presenting the document to show you the original and the copy.	If the original document is not present, you must decline to certify the copy.
2. Peruse the original carefully to ensure that it is a genuine document.	If in doubt as to whether it is the original document, decline to certify the copy.
3. Compare the writing and design features on the original with the writing and design features on the copy. They must be identical.	
4. Check that no alterations have been made to the copy. Sometimes holding the original and copy up to the light together may assist in identifying any alterations.	
5. If all the above checks are in order and the copy is a one-page document, write on the copy:	<p>“This is to certify that this is a true copy of the original document, which I have sighted.”</p> <p>Date:</p> <p>Signed:</p> <p>Title: (e.g., JP(Qual) or use seal, and insert Registration Number)</p>
6. Write necessary details in your logbook.	



Steps for certifying copies of original multi-page documents.

7. Ask the person presenting the documents to show you the originals and the copies.	If the originals are not present, you must decline to certify the copy.
8. Peruse the originals carefully to ensure that they are genuine.	If in doubt as to whether they are original documents, decline to certify the copies.
9. Compare the writing and design features on the originals with the writing and design features on the copies. They must be identical.	
10. If the document has more than one page, each page of the copy must be numbered (1 of 4, 2 of 4, and so on) and initialed or signed by you (the JP or C. Dec).	
11. Check that no alterations have been made to the copy. Sometimes holding the original and copy up to the light together may assist in identifying any alterations.	
12. Write on the last page:	<p>“This is to certify that this ___ page document, each page of which I have numbered and signed, is a true copy of the original ___ page document, which I have sighted.”</p> <p>Date:</p> <p>Signed:</p> <p>Title: e.g., JP (Qual) or use seal and insert registration number</p>
13. Write necessary details in your logbook.	

Background Information



Certifying copies of Enduring Powers of Attorney and Advance Health Directives

Certification for powers of attorney and advance health directives has always been treated a little differently. This is because the *Powers of Attorney Act 1998 (Qld)* has specified a different approach. Section 45 of the Act states that the copy must be certified to ensure it is a true and complete copy of the original.

Certification must be by one of the following persons—

- (a) the principal.
- (b) a justice.
- (c) a commissioner for declarations.
- (d) a notary public;
- (e) a lawyer.
- (f) a trustee company under the Trustee Companies Act 1968.
- (g) a stockbroker.

It follows from this that the following certification should be made on the first page or the last page of the document:

This is to certify that this is a true and complete copy of the original __ page EPA/AHD, which I have sighted

.....Date

Variations to this are possible, provided that the words “true and complete” and the number of pages in the document are mentioned. If you are using a standard certified copy stamp and amending some of the certification words, make sure that any wording changes are initialled.

The document's remaining pages (i.e., the pages that do not contain the above certification), including any additional Form 8 pages, should be signed or initialled.

Certifying copies of international documents and foreign language documents

You can certify international documents and documents in a foreign language as true copies. However, it is strongly recommended that you take extra care to check for inconsistencies. If you have access to a photocopier, it may be more efficient to photocopy the original document yourself. It is recommended that a translator be used if you doubt that the contents of the document may not be lawful.

It should also be pointed out that if the document is going to be submitted in a court overseas, it may meet an international document's definition. In such a case, the matter should be referred to a notary public.

Certifying copies of electronic documents

In this technological age, Justices of the Peace and Commissioners for Declarations are being asked more often to certify printed versions of electronic documents. Examples of these are certified copies of emails and mobile phone text messages. With electronic documents, it is not possible to sight an original, or the original that you sight may be altered significantly at some point after the time you sight it. The key to certifying copies of electronic copies is to alter your wording to accurately reflect what you are certifying.

Altering the certification wording may or may not be acceptable to the person presenting the document or the organisation receiving it. It must be pointed out that with all electronic documents, an alternative to certifying these documents may be for the person concerned to annex the document to a statutory declaration and attest in the declaration that the presented document is a true copy of the original.

Emails and other computer downloads – Computer documents presented to you on a piece of paper could not be original documents. In their printed form, emails or other downloads may have been altered, and you would need to view the original on the screen of the computer on which it was received. If you have done this and are satisfied that you have compared the printed copy to the original email/download, you can witness the document. Alternatively, you could view the document on the screen and then print it out. Either way, you would need to change your certification to verify what you have seen. The suggested certification would be:

“This is to certify that this is a true copy of an original email /download which I have sighted.”

Date:

Signed:

Title: (e.g., JP(Qual) or use seal, and insert registration number)

It is entirely up to the receiving institution whether they accept this certification.

If it was not practically possible to sight the computer screen, it might be necessary to alter the wording to:

“This is to certify that this is a true copy of a printed email/download, original screen not sighted.”

Date:

Signed:

Title: (e.g., JP(Qual) or use seal, and insert registration number)

Mobile phone text messages (SMS) – get the person to inscribe the wording of the text message onto a sheet of paper, detailing the following:

Sender.....	Message....	Phone number.....
Message centre....	Date and time sent....	Content

You should directly view the text message on the phone and check it against the transcribed copy. The transcribed copy should be endorsed:

“This is to certify that this document is a true record of the content of the mobile phone text message which I have sighted.”

Date:

Signed:

Title: (e.g., JP(Qual) or use seal, and insert Registration Number)

Certifying copies of a “certified true copy.”

A certified true copy of a document is not the original of a document, so you can either decline to witness the document, or you can alter your certification to read:

“This is to certify that this is a true copy of a (certified) copy, which I have sighted.”

Date:

Signed:

Title: (i.e., JP(Qual) or use seal, and insert Registration Number)

You should then inform the person asking for the certification that it is up to the receiving institution whether the document is accepted.

Frequently Asked Questions



Is it expected that the photocopying of the originals be done before a document being presented to a JP to be certified as a true copy?

As a rule, the copy should be made before approaching you for certification. Still, suppose you have access to a photocopier. In that case, you may wish to copy complicated documents yourself, as in this way, it is known that the copy is identical to the original document.

Employees at the local Post Office often charge for the service of certifying copies. Does this mean JP can charge to certify copies?

Australia Post employees can certify true copies of documents as part of their job and then charge for the service. But the certification is by an Australia Post employee, NOT a JP – there is no JP seal and no registration numbers, in the same way, that Teachers, Bank employees, Accountants, etc., can certify documents and sign Commonwealth Statutory Declarations. If you as a JP were to charge to certify a document, you would be breaking the law under the *Justices of the Peace and Commissioners for Declarations Act 1991* section 35(1).

When customers ask to certify a copy of the front side only of their Drivers Licence, should I decline to perform this process because it is not a copy of the complete document (i.e., both sides)?

Although the Queensland Drivers Licence is a two-sided document containing variable information on both sides, it is not invalid for a customer to seek a certified copy of the front side only. It is the responsibility of the authority to whom the certified copy is submitted to decide if the full document or just the front side is needed. Often, the front side only will suffice. This is not a decision for the certifying officer to make. The certifying officer's job is to check that what is presented as a copy is an identical copy of the original documentation. A similar situation exists with passports. JPs are often asked to certify copies of only a portion of the complete document.

Given that many suggestions in this chapter involve changing the standard wording of what is being certified, is there a possibility that the “receiving organisation” will not accept what the JP has certified?

Certifying copies is an area of JP responsibility that is not covered by any legislation. Whether or not a certification will be accepted is entirely at the discretion of the receiving organisation. Some organisations will only accept their officers sighting originals of documents, and others will accept any certification that a JP or C. Dec makes. If there is any doubt about acceptance, it is the person's responsibility to submit the copy to check with the receiving organisation.

Do documents that are in colour need to be photocopied in colour?

No. Black and white are sufficient.

Do I have the power to certify that a photograph presented is a true likeness of that person?

Some organisations, for example, the Australian Health Practitioner Regulation Agency (AHPRA) and provisions of the *Guide Hearing and Assistance Dogs Act 2009*, require this of JPs and C. Dec, and assisting in this regard is permissible. Simply state on the copy that the photographic documentation (e.g., licence or passport) is a true likeness of the applicant and sign as you would a regular certified copy.