


3.1 Certifying copies of documents

What is certifying a copy?

Certifying copies of documents is a common duty of JPs and Cdecs. You are stating that, in your opinion, the document is a true and complete copy of the original you have sighted. 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 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 certifying enduring documents, which is covered later in this chapter.

 **Note:** Information on the witnessing of enduring documents is outlined in chapter 4.9.

When certifying electronic documents, you must apply the same process and scrutiny as you would to an original paper copy to ensure the document is a true and complete copy of the original.

What is the definition of a document?

The definition of 'document', physical or electronic, is wide ranging and means any record of information however recorded and includes:

- any paper or other material on which there is writing
- any paper or other material on which there are marks, figures, symbols or perforations having a meaning for a person qualified to interpret them
- any disc, tape or other article or any material from which sounds, images, writings or messages are capable of being produced or reproduced (with or without the aid of another article or device).

An electronic document can also be referred to as a download, or digital document. You may have a certified copy stamp with the term 'download', and this is acceptable for use when certifying copies of electronic documents.

Examples of documents include but are not limited to:

- book
- map
- plan
- drawing
- photograph
- disc
- tape
- soundtrack
- anything of any kind which is marked with words, figures, letters or symbols.

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 and complete copies of the original, copy or a download give the document more legal weight than an uncertified copy.

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.

Ensure you provide your name when certifying documents. If you do not provide your full name, we may disclose your name to relevant third parties in order to verify the validity of the document(s) you certified.

Certifying a copy of an original

The person must provide you with the original document from which the copy was made and then:

- Compare the original document with the copy, making sure there are no alterations.
 - Pay particular attention to names, dates and reference numbers.
- Endorse the copy with the following certification and apply your seal of office and registration number.

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

Date:

Signed:

Name:

Certifying digital identity documents

Many acceptable forms of identity (ID) documents are becoming increasingly available in a digital version. If you have been asked to certify a copy of a digital ID, you can certify the copy as a true and complete copy of the original.

Keep in mind, the way digital information appears may differ from how it appears when printed. Your role is to certify the information is a true and complete copy of the digital ID – not its appearance.

The person must be able to access the authorised webpage or application (app) on their device and then:

- Observe the person accessing the app.
- Compare the information in the original digital ID with the copy, making sure there are no alterations.
 - Pay particular attention to names, dates and reference numbers.
- Endorse the copy with the following certification and apply your seal of office and registration number.

This is to certify this is a true and complete copy of the original 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, the entire document must be certified as true and complete.

The person must provide you with the original document from which the copy was made.

- Compare each page of the copy with the original document to verify every page is a true and complete copy of the original, making sure they are no alterations.
 - Pay particular attention to names, dates and reference numbers in the document.
- 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 first or last page, endorse the copy with the following certification and apply your seal of office and registration number.

 **Note:** Some documents 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 first or last page to read as follows.

This is to certify 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.

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

To make a certified copy of an original EPA or AHD, the person must provide you with the original document from which the copy was made and then:

- Compare each page of the photocopy with the original EPA or AHD to verify 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.

- Check that the number of pages presented in the copy (including any additional pages) corresponds with the number of pages indicated on the witness certificate in the document.
- Sign or initial each page of the photocopy (including any additional pages), other than the page on which the certification is made.
- Make the following certification on the first or last page and apply your seal of office, full name and registration number.
- Ensure you also include the total number of pages certified.

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

Date:

Signed:

Name:

Provided the certification is to the effect the document is a true and complete copy of the original, there is no precise wording that must be used. Certification can 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.

Certifying copies of general powers of attorney

The Act provides that proof of a copy of a general 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). To make a certified copy of a GPA, the person must provide you with the original GPA from which the copy was made and then:

- Compare each page of the photocopy with the original GPA to verify 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.
- Check the number of pages presented in the copy corresponds with the number of pages in the original document.
- Endorse the copy with the following certifications and apply your seal of office, 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 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:

Certifying a copy of a copy

You may be asked to certify a copy of a copied document, which can be due to the original having been lost, stolen or damaged. The document presented may or may not have previously been certified as a copy of the original.

The person must provide you with the copy of the document from which the additional copy was made and then:

- Compare the copy of the document against the copy, making sure there are no alterations.
 - Pay particular attention to names, dates and reference numbers.
- Endorse the additional copy with the following certification and apply your seal of office and registration number.

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

Date:

Signed:

Name:

Certifying a copy of an electronic document or download

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

The person must be able to access the official website where the document has been produced or issued and then:

- Observe the person accessing the official website.
- Compare the original electronic document with the copy, making sure there are no alterations.
 - Pay particular attention to names, dates and reference numbers.
- Endorse the copy with the following certification and apply your seal and registration number.

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

Date:

Signed:

Name:

Things to bear in mind

- Best practice is to return the originals to the person before applying the certification to the copies. This will reduce the possibility of damaging the document by applying the certification to the original.
- You are not required to cross out or obliterate any reference numbers, bank details, credit card details or passport numbers on the copies for the person.
- 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 in the document.

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 a 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.

You should 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.

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

Date.....

Signed.....

Name.....



initial this change
and note the number
of pages certified.

Can I purchase certified copy stamps?

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

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

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

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

You will 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.

Do I need to sight identification when certifying copies?

It is advisable, but not always mandatory, to take reasonable steps to identify everyone you assist. Your role is certifying 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. You should use certified copy stamps or handwrite the certification.

What if there is no room on the copy, can I endorse the back of the document?

No. You must place your certified copy stamp, or certified wording, on the front of the copy to be certified. Placing the certified copy stamp on the reverse of a document may place the document in jeopardy.

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 ask the person if they have checked with the receiving agency if a Queensland JP or Cdec 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 copied in colour?

Unless the person has instructions stating 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 ask the person if they have any instructions with them that may require a modification to the usual certifications. The person should make enquiries with the receiving agency if they are unsure.

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

Yes. Record all relevant information in your logbook as outlined in chapter 2.4.