



# PUBLIC TRUSTEE AND GUARDIAN

## POLICY

DOCUMENT PROPERTIES	
Name of Policy	<b>Certified Copies</b>
PTG Policy Number	2017-02
Version/s	30.11.2016
Endorsed by SLG	30.11.2016
Authorised by	Andrew Taylor, Public Trustee and Guardian
Date for review (plus three years)	30.11.2019

### LEGISLATION

A number of different state/territory/commonwealth Acts provide for certified copies of documents to be made.

Sometimes those Acts state that a person before whom a statutory declaration may be made can certify a document to be a true copy of an original.

The (Clth) *Statutory Declarations Regulations 1993* prescribe the persons before whom a statutory declaration can be made, however, advice from the Attorney General's Department states - "*In general, anyone who is shown an original document can certify that a copy of that document is a true copy. They do not have to hold any particular office or position. Sometimes, however, a law will specify who is allowed to certify a copy of a document for certain purposes. If you're not sure, check with the organisation that asked for the certified documents. If you are authorised to witness Commonwealth statutory declarations, you are not automatically authorised to certify all documents.*"

### DEFINITION/S

**Certified Copy** - a copy of an original document that has been confirmed as a true and correct copy by an authorised person for a specified purpose eg a solicitor or justice of the peace.

### POLICY

The authority for certifying copies of documents may be found in specific legislation eg legislation that permits persons before whom a statutory declaration may be made to certify copies of documents. Otherwise, the process under which a person certifies documents is unregulated.

When certifying that a document is a true copy of another presented at the same time, you are not declaring that the original document is a valid document merely that the copy is a true copy of that original. If a forgery is later discovered, you may be questioned about the certification, however the act of certifying the copy does not implicate you in any crime.

Organisations requiring certified copies to be produced may stipulate who is authorised to witness and certify documents. PTG staff should ensure they are authorised prior to certifying copies of documents.

In general terms, certification that a document is a true copy is not a declaration under the *Statutory Declarations Act 1959* (C'lth). It is a certification made by a trusted official, and has no connection with the Statutory Declarations Act. A statutory declaration must be in the prescribed form and must have a qualified witness, which certifications do not necessarily have.

Persons before whom statutory declarations may be made include those staff at PTG that have five years service or who are statutory officers (e.g. Public Trustee and Guardian/Deputy Public Trustee and Guardian), or JPs, or who have a professional qualification eg solicitor, accountant, psychologist etc.

**END OF POLICY**