

APPROVED INFORMATION AND DOCUMENTS FOR RENTAL APPLICATIONS

Section 18A Residential Tenancies Act 1999

Purpose

Section 18A of the *Residential Tenancies Act 1999* (the Act) allows the Commissioner of Tenancies (the Commissioner) to approve a class of information or documents that a landlord may require a prospective tenant to provide in support of an application to rent residential premises.

This document provides general guidelines for landlords and real estate agents when considering what information to require from a prospective tenant and provides a list of documents and information that have been approved by the Commissioner. Information¹ required of a prospective tenant is guided, not prescribed by this document. Documents that can be required are prescribed.

General guidelines

When an application is made for a tenancy

Landlords and real estate agents must consider the relevance of information they ask for:

Will the information I am asking for assist me to work out who to rent to?

If the answer is no, you do not need this information. Marital status, age, gender, sexuality, intentions to start a family, race, nationality, health status, or medical history, religious or political beliefs, and if applicant has a disability are all examples of information that is not relevant to a tenancy application and may be discriminatory.

¹ Information that can be asked is what is reasonably required to process and assess the suitability of a tenancy application e.g. income details, when you would like to move in. Documents are used to verify the accuracy of critical information e.g. a pay slip supports a prospective tenant's income claims.

So too is asking if the applicant is in a domestic violence relationship, or has ever been arrested, or has convictions and/or a criminal history (that is not relevant).

Questions of age can be asked if they relate to eligibility criteria or ability to enter into a legal agreement. They can be asked without asking actual age, such as:

Does the tenant meet the eligibility criteria?

Is the tenant of legal age to enter into a tenancy agreement?

Landlords and real estate agents must also consider the privacy of a prospective tenants' information:

Am I asking for private information about the tenant that I do not need in order to assess their application? E.g. bank statements.

While a bank statement will tell you how much they earn, it will also demonstrate what they spend their money on. This is private information and is not appropriate for a landlord or agent to know this much about a prospective tenant.

How long will I hold this information?

What are the risks to the tenant if this information is accessed in a data breach?

Do I feel confident that my data storage system is resistant to a breach? This may affect what you feel safe to keep.

Section 18A(4) of the Act outlines the requirements relating to the destruction of a prospective tenant's information. Section 18B sets out rules for the keeping of a tenant's information and documents during and after the tenancy. Landlords and agents should ensure these obligations are met when considering how to keep information they have collected in relation to an application for a tenancy.

The information needed to assess an application for a rental property

Landlords may need the following:

- Proof of the identity of the tenant.
- Proof the tenant can pay the rent.
- Evidence the tenant will look after the property.

Approved information

The following approved information may be required if a person(s) is applying for a tenancy:

- Details of an applicant's name, email address and telephone number
- Applicant is of legal age to enter a tenancy agreement
- Applicant meets criteria for housing (if a requirement)
- Applicant's current address
- Details of previous and/or current landlord and consent to contact them for a reference
- Referee² contact details and consent to contact them
- Number of occupants who will be residing in the property, including the number of children under the age of 18
- Current income
- If they have pets
- Emergency contact

Other information required as is relevant to the rental application, taking into account guidance from this document and other laws.

Approved documents

The following are approved documents that may be required if a person(s) is applying for a tenancy. Current documents are preferable. Secondary sources should only be used if primary sources are not available. While photographic identification is ideal, it is not mandatory.

² This may be a current or prior landlord, and an employer, or a relevant other person who may validate identity, ability to pay or care for a property.

To verify identity*Primary documents (one only):*

Driver's licence, Proof of Age Card, Defence Force ID, Government ID, Passport, Working with Children Clearance/Ochre Card, photographic identification from a recognised local Aboriginal authority.

Secondary documents³ (up to two only):

Letter from land council confirming identity, Medicare Card, Concession or Health Care Card, Birth/Marriage or Divorce certificate, Centrelink Income Assessment, Income Tax Notice of Assessment, Utility Bill, Immigration/Citizenship papers, an approved Department of Housing (NT) Proof of identification form.

To verify ability to pay*Primary documents³ (up to two only):*

Current payslips, income statement (employer or Centrelink), letter on letterhead from employer, Income Tax Notice of Assessment (if self-employed), for self-funded retirees a document showing investment income/interest and frequency.

Bank statements are only permitted to be used if no primary documents are available. The prospective tenant must be given the option to redact a bank statement to ensure the prospective tenants' privacy relating to information not relevant to verifying their ability to pay.

Consent from prospective tenants to contact and provide details of current employer to confirm details of current employment. Information relating to their employment status (e.g. job title, self-employment, Net Salary, Net pay, Gross Annual salary).

To verify ability to care for the property

Reference from a previous landlord, neighbour or personal associate.



Traci Keys
Commissioner of Tenancies

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³ A document refers to a type of document e.g. a landlord may require 2 pay slips, this is 1 document.