

State Records Office - Archives Information Sheet

Divorce Records

Background

The Supreme Court of WA held jurisdiction in matrimonial causes from 1863, when the Divorce and Matrimonial Causes Act was passed. Remedies under the Act were judicial separation, restitution of conjugal rights, dissolution and annulment.

Either party could petition for judicial separation on grounds of adultery, cruelty, or desertion for two years. The Act was amended many times after 1863, and was superseded by the Commonwealth Matrimonial Causes Act in 1959, although cases were still heard by the Supreme Court. In 1976, the Family Court Act established state-controlled Family Courts which took over from the Supreme Court divorce and matrimonial causes jurisdiction.

The State Records Office of Western Australia holds a series of [Divorce Registers](#) which can be used to find out certain details of any divorce, and also to access the file relating to any particular divorce.

Divorce Registers

The Divorce Registers and Indexes held by the State Records Office cover the period 1864 - 1976. Each Register contains an alphabetical index of petitioners. Early volumes include précis and decrees. Later volumes record the names of petitioners, respondents and co-respondents, maiden name of wife and date and place of marriage. From 1941 onwards the number of children by the marriage is given. Registers can also record the name of the solicitor, dates of filing of documents and issuance of decrees.

Public access copies of the Divorce Registers have been microfilmed and are available in the State Records Office's microfilm area of the Search Room. To find a divorce entry it is only necessary to know the names of parties involved. The date will enable you to select the appropriate volume, but if the date is not known you can still search using the alphabetical index at the beginning of each Register. No access restrictions apply to the use of the Divorce Registers.

A **listing of Divorce Registers** can be found on our online catalogue in [Series 40](#).

The Divorce Registers have been received in three separate consignments:

- Cons 3409 (24 volumes): 1864 - 1946
- Cons 3455 (26 volumes): 1946 - 1961
- Cons 4331 (23 volumes): 1961 - 1976

Divorce records after 1976 are held by the Family Court of WA.

Divorce Files

Typically the records in this series consist of petitions, counter-petitions, affidavits, notice of decrees, and related documents. Some files also contain photographs and other evidence. In order to identify particular files, researchers must first note the number given to the divorce in the Divorce Registers (case number/year).

The **listing of divorce files** can be found on the online catalogue in [Series 35](#). Again, these files have been received in several consignments:

- Cons 3404: 1864 - 1946 (files to 1925 have been microfilmed)
- Cons 3457: 1946 - 1960
- Cons 4211: 1961 - 1976

To access divorce files held by the State Records Office you will need to quote the divorce number, the consignment number and the item number, all of which can be obtained from the Divorce Registers (for divorce number) and the listing of Series 35 (for consignment and item numbers).

As divorce files less than 75 years old are restricted, permission to view them must be obtained from the Principal Registrar of the Supreme Court. Application forms are available from the State Records Office enquiry desk. Files older than 75 years can be viewed without the permission of the Supreme Court.

For information on Supreme Court records generally, the State Record Office's publication ***Order in the Court*** (available at the State Records Office enquiry desk) is recommended.

Please note: Records about Western Australian Divorces from 1976 onwards are held by the Family Court, and any queries about these Divorces should be made directly to the [Family Court of WA](#).