

## **Viskauskas v Niland (1983) 153 CLR 280**

<http://localhost:8888/LawCaseSummaries/knowledge-base/viskauskas-v-niland-1983-153-clr-280/>

### **Facts**

- Several Aboriginal Australian patrons were refused service at a bar.
- They brought proceedings under both state and federal anti-discrimination legislation.
- It was argued that the state law was inconsistent with the federal law, and thus invalid.

### **Issue**

- Was there an inconsistency between the state and federal laws?

### **Held**

- The court held that the state law was invalid.
- They held that the Federal Government had intended for the law to "cover the field" and thus it was inconsistent with the state law.
- They also held that the Federal law was validly made under the external affairs power of the Commonwealth.

### **Relevance/other notes**

- This is a helpful case in applying the "cover the field" test.
- After this case, the federal government amended the Racial Discrimination Act to explicitly state that they did not intend for it to cover the field.

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Law case summary from [www.lawcasesummaries.com](http://www.lawcasesummaries.com)