



# Insights

## Dr Larry Laikind's war on discrimination

**W**hy do some people act all coy and silly around perfectly sensible, intelligent people who just happen to have some disability, and trying to avoid any obviously insensitive remark, clumsily put their foot right in it?

I was yarning away to one of our better and brightest lawyers, Dr Larry Laikind, who – as it happens – is blind, and tripping over myself trying to avoid saying things like “Yes, I see” and “How would you look at that from your point of view?”, and making a bit of a dog’s breakfast of it. Fortunately, he has, among other admirable characteristics, a wonderful sense of humour and a quite fantastic sense of perspective and could see straight through me.

I’m pretty certain he wasn’t making any reference to me when he opined that there was a tendency for some to almost treat people with disabilities as children. “You know, some people seem to think they should speak more



Having won a personal battle or two against disability and discrimination,

Dr Larry Laikind is now fighting the war on behalf of others. He talks here with **Russell Grenning**.

loudly, for example. And I’m not deaf,” he said. I whispered agreement.

He’s a slim, elegantly dressed man – presents actually as a big firm partner – and speaks firmly but quietly. There are very discernable traces of an American accent – he was born in California – but the effect is rather more cos-

mopolitan given the accent is tempered by two stints each of two years in the United Kingdom and some 25 or so years here. The overall impression is one of calmness and professionalism, which did surprise me – I had imagined a passionate, almost fiery, advocate seething with rage against prejudice, discrimination and blind bloody stupidity.

I shouldn’t have been surprised. Larry Laikind – Lawrence Alan Laikind actually – was wholly professional, organised, focussed and everything else that a good solicitor is. His CV, provided in advance, was crisply and comprehensively written; his responses to my questions certainly covered all the bases.

Since 1993, he has been working for the Brisbane-based Welfare Rights Centre – a very modest outfit in a hole-in-the-wall and out-of-the-way office in Brisbane’s inner south – and he has really achieved quite awesome outcomes for people with disabilities. >>

## PEOPLE

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You get the feeling that the centre struggles by on the smell of an oily rag and donations are always very welcome – “I don’t get paid much at all,” he said with no complaint.

Let’s go back to the beginning.

Born February 1956 in California, he went with his parents to Hawaii as a very young child until he was six, then to Sydney for two years until his chiropractor father and school teacher mother got homesick and took young Larry and his sister back to the good ole USA. He came back to Australia with his family in 1974 after one year at the University of Hawaii doing science.

“I did consider law as a career back in 1975 but ended up doing dentistry, which I really loved, and graduated in 1979 from the University of Queensland,” he said. “I worked as a dentist at Brisbane hospitals then went to the UK for two years and was about to do an advanced degree when it happened,” Larry Laikind said. Well, what was “it”?

“It” was a traumatic event that happened in the last week of 1984 and the first week of 1985. First there was a problem with his right eye and he went for a test – “I thought there wasn’t any real problem and went skiing to the French Alps, but when I got back the left eye wasn’t functioning either,” he said. In those two weeks Larry Laikind lost 97 percent of his vision due to an inoperable condition called Leber’s hereditary optic neuropathy, and if that wasn’t enough, he also was diagnosed with insulin-dependent diabetes.

He was 28.

“Yes, I was devastated,” he said. “I did have awful, almost suicidal thoughts, but my parents were incredibly supportive and I knew that I had to start again.

“Well you can’t be blind and be a dentist, can you?” he said, adding with delicious irony, “Or a bus or taxi driver for that matter.” The first step was learning braille, and that took him a whole four weeks – it takes others up to 10 years – so a busy time, I guessed, with a few other things on his mind.

### Braille notes

Off he went to the law school at the then Queensland Institute of Technology – now Queensland University of Technology (QUT) – and, in his words, “gave it my best shot”. He taped lectures, made braille notes of cases read to him by his father and two volunteers, and dictated his examination responses to a writer. Bloody hard-going, I thought, remembering my less-than-distinguished tertiary career when, fully sighted, I could only see the Regatta Hotel.



### Welfare Rights Centre

The Welfare Rights Centre is a community legal centre providing free legal advice to people with disabilities, with priority given to those who cannot afford a private solicitor or qualify for legal aid.

Please visit its website – [www.wrcqld.org.au](http://www.wrcqld.org.au) – or contact the centre on 07 3421 2510. Deductions over \$2 are tax deductible, membership is a whole \$5 a year and volunteer practitioners who want to lend a hand are always welcome.

*Pictures by Stuart Riley, SRPhotography.*

“I remember bragging to my sister while I was still a dentistry student that I could succeed in any professional degree, and she said then that she didn’t think I could succeed doing law,” he said. “But others before me had succeeded doing law when blind so I thought, why not me?”

Oh yes, he passed in 1990 – and how! He got seven subject prizes, first class honours and the highest pass of his year, and the QUT Academic Law Medal. A clean sweep, really, which was followed the following year with a Graduate Diploma in Legal Practice, also from QUT.

In 1991, Larry Laikind was admitted as a solicitor, and a law student bloke who had been in a share house back in the late 1970s with his sister Elaine – now a vet married to a medico – moved his admission. That law student turned solicitor went on to make more than a bit of a

reputation himself as an advocate for minority causes and is now his Honour Judge Ian Dearden of the District Court.

He joined one of the big firms – discretion prevents my mentioning it – because it wasn’t the happiest experience and not because of the firm itself but rather the nature of the work he did in insurance litigation and corporate law. “I just didn’t get any professional or personal satisfaction – quite the reverse actually – out of cutting down people with injuries to benefit insurance companies,” he said.

So he was drawn to working in the area of disability discrimination and freely admits that his being blind was a prime motivating factor. “After all,” he said, and not with some irony, “I would have been a wealthy specialist dentist today if I hadn’t gone blind and probably would have had the level of awareness that most have about disabilities and discrimination.”

In April 1993, Larry Laikind signed on at the Welfare Rights Centre and he’s been there ever since. He estimates that he has handled more than one thousand complaint cases utilising state and federal human rights legislation. At any one time he can have 50 or 60 files at various stages of process.

He did take 1995-1997 off to go to Oxford University on a full Commonwealth Scholarship. There he was awarded a Bachelor of Civil Law and his thesis was: “Examination of the provisions and case law regarding defences to the duty to accommodate disabled persons in four jurisdictions – The USA, Canada, Australia and Great Britain.” By any definition that is a pretty meaty subject and it added considerably to his knowledge base.

The Welfare Rights Centre is a community legal centre and he does the full range of work, including case work, general advice and referrals, pre-complaint meetings and negotiation, document drafting, representation before various courts and tribunals from the Anti-Discrimination Tribunal to the Supreme Court and to the Federal Court. Added to this formidable workload, he is an active participant in debates on policy and law reform, advises the Human Rights Commission on the educational needs of disabled people in remote regional and rural areas, and speaks to conferences, seminars and to whoever will listen.

Along the way, Larry Laikind has been on the Disability Advisory Council of Queensland, the Guardianship and Administration Tribunal, the Disability Legislative Reform Committee, the Management Committee of Partnership with Industry (an organisation dedicated to finding employment for people with disabilities), the Queensland Mental Health Review Tribunal and the Ethics Committee at the Mater Hospital.

He’s been a guest lecturer at the University of

*Russell Grenning is Queensland Law Society principal advisor, corporate relations.*

Queensland and the QUT, principally on matters affecting human rights, disability law and the like, although, harking back to his former career, he's lectured dentistry students on general legal issues affecting their profession.

Surely, I said, now in the bright new 21st Century, there isn't much real discrimination is there?

The reply was cautious, thoughtful but emphatic. "I suppose that there is somewhat less deliberate discrimination and that is probably due to a combination of more enlightened attitudes and the relevant legislation, but certainly discrimination still exists," Larry Laikind said. I remembered again what he had told me what his workload was and silently agreed.

"For example, many buildings, shopping centres and the like don't provide proper facilities for the disabled, and the owners, rather than taking pro-active action, wait for a complaint," he said. "Ideally, there shouldn't be any need for complaints but that's the reality."

In his more than one thousand cases and counting, many stand out, so it was a bit difficult for him to decide a truly memorable one – but he did – and, perhaps surprisingly, it didn't involve a person who could be categorised as marginalised. Perhaps that is why, subconsciously, he recalled it to illustrate the fact that discrimination – nasty, brutal and callous discrimination – doesn't just impact on the poor

## There are those who are embarrassed to be around disabled people because they don't know how to act when all they have to do is treat disabled people as people – nothing more, nothing less.

struggling by on a pension and vulnerable to abuse.

Larry Laikind told me the story of a wealthy elderly couple living in a million-dollar-plus luxury riverside apartment in Brisbane. The wife, massively afflicted with a profound crippling disability, was confined to a wheelchair and they made the perfectly reasonable request of the body corporate management for remote controlled sliding doors at the front of their building.

### Flatly refused

They were flatly refused and to add to that the building manager told them it didn't "look nice" to have such a disabled person actually using the front door at all.

"Can you believe that this legal battle lasted five years with the management fighting every inch of the way but, in the end, they lost and so they should," he said.

"The utter stupidity of it all was underlined by the fact that their legal bills amounted to several multiples of what the sliding doors ac-

tually cost when they were ordered to install them."

He shook his head in baffled wonderment again with the recollection.

"There are many reasons for discrimination including ignorance and fear, and that particularly applies in the case of mental illness. There are those who are embarrassed to be around disabled people because they don't know how to act when all they have to do is treat disabled people as people – nothing more, nothing less.

"You know, in an ideal world, this organisation wouldn't have to exist." Larry Laikind said it with a sigh, but we both know that the Welfare Rights Centre is going to be around for a long time, whatever the laws.

He made an early impression in 1994 with the celebrated *Cocks v The State of Queensland* when he took on the Queensland Government – and won – forcing the installation of a lift close to the 27 large steps leading to the entrance of the Brisbane Southbank Convention and Exhibition Centre, then under construction.

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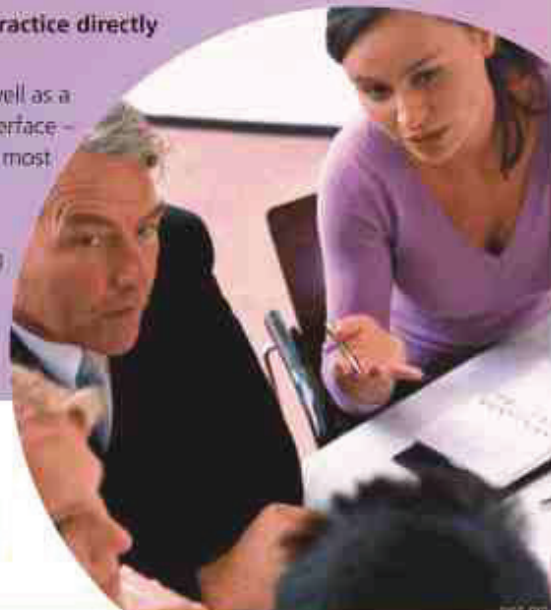
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"The nearest lifts were well away from this grand entrance – maybe the architects were looking for the Greek or Roman classic splendour look – and it was a hard fight," he said. "The action was taken under Queensland anti-discrimination laws and that success meant that anti-discrimination laws can take precedence over the Building Code of Australia.

"That has led to the development of an Access to Premises Standard under the Commonwealth *Disability Discrimination Act*."

And what of other laws? What bit of law would this cutting-edge anti-discrimination lawyer change? "Certainly the Commonwealth *Disability Discrimination Act 1992* to place an onus on the Human Rights and Equal Opportunity Commission to bring complaints, as is the case in Great Britain with the Commission for Racial Equality or the Equal Opportunity Commission and with equivalent commissions in Canada and the US," he said.

"I would remove the requirement for conciliation, as the result generally has confidentiality and importance for the individual rather than an impetus for systemic change. Disability discrimination legislation has been around for years, yet there have not been corresponding advances in employment participation for disabled people that might have been hoped for

or even expected."

When a guy goes blind at 28 with a dazzling world of success not just promising but beckoning, you have to ask what he misses most.

"Oh, I don't dwell too much on that really," Larry Laikind said. "But, yes, I miss a few things – I miss dentistry, I miss art, theatre, nature – but you adapt. I listen to 'talking books' and read braille books with favourite authors being Agatha Christie and John Steinbeck. I listen to music – Bob Dylan is my favourite – and I guess my taste reflects my baby boomer age bracket – Crosby Stills Nash and Young, Simon and Garfunkel. The Beatles, Rolling Stones, Led Zepplin, Eric Clapton."

### Bob Dylan

He recalls happily having a beer with Bob Dylan and other dentistry students back in 1978 when Bob was setting up a Brisbane Festival Hall concert.

And, talking about adapting, Larry Laikind enjoys swimming, chess, golf, snorkelling, bridge and backgammon. Most of us couldn't come close to doing all of that with 20/20 vision.

There was one odd regret, I thought. "Maybe I should have done medicine rather than dentistry; then when I went blind I could have trained as a psychiatrist," he said. Was I being a bit precious when I thought that when you are a

psychiatrist you help one person at a time and when you are a successful anti-discrimination lawyer you help whole swags of folks?

What of the future? "Well, I would like to do more tribunal work as I enjoy being involved in the decision-making process," he said. Memo Attorney-General, please take note.

"There will always be work here – it never ends and I don't weary of it because I know how important that it is. I try to remain dispassionate, calm, somewhat detached and always professional whatever the provocation, because you have to be all of those things to provide your client the best service, however much you might seethe inside."

In 2006, the Human Rights and Equal Opportunity Commission awarded him the 'Highly Commended' Law Award, which is sponsored by the Law Council of Australia.

And it's no surprise that the profession – and Queensland Law Society President Megan Mahon – honoured him with a prestigious QLS President's Award last year. News of the award was greeted with unanimous acclaim – Dr Lawrence Alan Laikind is simply one hell of a guy who can see more clearly than most what has to be done to make this a better world.

As I left, the old proverb – there are none so blind as those who will not see – suddenly came to mind. It had never seemed so apt, or so meaningful. ■

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