

SERIOUS AND ORGANISED CRIME (CONTROL) ACT 2008 APPLICATION FOR DECLARATION REGARDING THE FINKS MC

Information Sheet

The application for a declaration under Part 2 of the *Serious and Organised Crime (Control) Act 2008* ("the Act") relating to the Finks MC can be viewed at www.agd.sa.gov.au. It refers to the statutory declaration of Assistant Commissioner of Police, Anthony Gerard Harrison ("the statutory declaration"). That statutory declaration contains the evidential material that the police rely upon in making the application and which, along with any submission made by any member of the public, will be considered by the Attorney-General in determining whether or not to make the declaration sought. In particular, the statutory declaration sets out the background to the Finks Motorcycle Club operating in South Australia ("the organisation"), membership of the organisation, its connections with interstate "branches" or "chapters", rivalry between the organisation and other motorcycle gangs and associations with other groups. It lists the known members of the organisation and the criminal convictions of 42 current members and six former members. In addition, the involvement of those members and former members in *serious criminal activity* (as defined in the Act) has been detailed.

This is a summary of the information contained in the statutory declaration.

The organisation started in late 1969 and has chapters in South Australia, as well as interstate. It was officially registered as an incorporated association with the Office of Consumer and Business Affairs in South Australia in 1991. The application for incorporation of an association stated the purpose of the organisation was "[e]stablishing, carrying on, improving a community meeting place and promoting the interests of motor cycle enthusiasts within the local community".

However, the South Australia Police (SAPOL) contend that the organisation associates for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity and that the organisation represents a risk to public safety and order in this State. That contention is supported in the main by reference to the criminal convictions of the members of the organisation and police information regarding other criminal activity that members have engaged in.

In the declaration SAPOL provides information regarding the structure of the organisation, the origins of its name, its rules and indicia of membership often worn by members participating in club activities.

SAPOL reports that membership of the organisation fluctuates. As at the date of the application, SAPOL asserts that there are 46 members. This figure includes those regarded as "full members" and those regarded as "nominee members". The criminal convictions and serious criminal activity of only 42 of the 46 members is detailed in the statutory declaration. This is because the remaining four members have only recently come to the attention of SAPOL as having joined the organisation. The criminal activity and antecedents of six former members has also been included for the purposes of the application.

Members of the organisation have been convicted of a wide range of offences including:

Offences of violence :

This category includes common assault, assault police, assault occasioning actual bodily harm, endangering life, malicious wounding, wounding with intent to cause grievous bodily harm, robbery with violence, false imprisonment and rape. Between 1967 and 2008, members of the organisation were convicted or found guilty of 167 offences of violence. Of these, 38 occurred after the offender was known by SAPOL to have become a member of the organisation.

There are many examples of violent offending occurring at metropolitan hotels and nightclubs that have involved more than one member of the organisation, ranging from violence targeted at a specific victim to incidents resulting in brawls involving other patrons and security staff. Injuries sustained by victims as a result of these incidents have included head injuries (including skull, cheek, nose and eye-socket fractures, internal bleeding resulting in permanent brain damage, and concussion), internal bleeding, black eyes, broken ribs and wounds requiring stitches.

Breach of public order offences

This category includes disorderly behaviour, offensive language, and entering a licenced premises after being removed. Between 1970 and 2008, members of the organisation were found guilty or convicted of 149 offences against public order. Of these, 27 occurred after the offender was known by SAPOL to have become a member of the organisation.

Property offences

This category includes trespass, breaking and entering, burglary and damage property. Up to 2008 members of the organisation were found guilty of having committed 268 property offences albeit that some were committed before the organisation was formed in 1969. Of these, 15 occurred after the offender was known by SAPOL to have become a member of the organisation. Of the 268 property offences, 186 fall within the definition of serious criminal activity and four of those were committed after the offender was known by SAPOL to have become a member of the organisation.

Drug offences

This category includes possession, manufacture, sale and supply of drugs including cannabis, cocaine, amphetamines, ecstasy, methylamphetamine, steroids and heroin. Between 1977 and 2008, members of the organisation have been convicted or found guilty of 215 of these offences, 113 of which occurred after the offender was known by SAPOL to have become a member of the organisation. Eighty-four of the 215 convictions have been classified as serious criminal activity, and 63 of the 84 were committed after the offender was known by SAPOL to have become a member of the organisation.

Firearms and weapons offences

This category includes possession of firearms without a licence, carrying a loaded firearm, possessing a silencer and discharging a weapon to cause injury or damage. Between 1968 and 2008, 136 convictions or findings of guilt were recorded against members of the organisation, and of these, 63 were committed after the offender was known by SAPOL to have become a member of the organisation. Eighty-one of the 136 are considered as serious criminal activity and 30 of these were committed after the offender was known by SAPOL to have become a member of the organisation.

Other

Members of the organisation also have convictions for offences that do not fall within the above categories, including offences of dishonesty, traffic offences, breaches of bail and breaches of parole.

In addition to the offending that has been found proved by the Courts, the statutory declaration asserts that members of the organisation have also engaged in serious criminal

activity where the matter has not proceeded to prosecution. In many of these cases, the matter has not proceeded owing to the fear of victims and witnesses of retribution by members of the organisation if they were to co-operate with police or give evidence in Court.

Lastly, SAPOL reports that there have been shootings where members of the organisation have been alleged to have been involved but the victims have declined to co-operate in any subsequent police investigation.

Members of the public are invited to make submissions about the application. All submissions must be in writing and sent to G.P.O. Box 2852 ADELAIDE SA 5000 by 5p.m. Wednesday 28 January 2009.

The disclosure of additional information will be dependent upon the particular interest of the individual member of the public in the application as disclosed by that person.

All inquiries may be made to 08 8207 1905.



Your Reference:
application for declaration

28 January 2009

Attention:

Dear Sir

Re: Application for declaration of the Finks Motorcycle Club operating in South Australia

I write on behalf of the Attorney-General to acknowledge receipt of your submission about the application for a declaration of the Finks Motorcycle Club under Part 2 of the *Serious and Organised Crime (Control) Act 2008* ("the Act").

Please find attached for your assistance an information sheet relating to the application for a declaration.

Yours faithfully

Managing Solicitor

Per:

A handwritten signature in black ink, appearing to be a stylized 'Q' or similar character.