

153. Kidnapping: s 354

153.1 Legislation

[Last reviewed: December 2024]

Criminal Code

[Section 354](#) – Kidnapping

153.2 Commentary

[Last reviewed: December 2024]

The Defendant must have:

- (1) Unlawfully; and
- (2) Forcibly;
- (3) Taken or detained another person;
- (4) With intent to gain anything from any person or to procure anything to be done or omitted to be done by any person.

See the direction on intention at **Chapter 59 – Intention**.

The term ‘detain’ should be given its ordinary and natural meaning. It has a variety of meanings including ‘keep in confinement’ and ‘hold back, delay, stop’ (see *R v Awang* [2004] 2 Qd R 672 (Williams JA)).

The word ‘procure’ in this section means ‘facilitate’, ‘enable’, ‘bring about’ or ‘cause’. The word is not confined to meaning compel or induce (see *R v F, ex parte Attorney General* [2004] 1 Qd R 162).

The offence is a prescribed offence under s 161Q of the *Penalties and Sentences Act 1992* (Qld), so a serious organised crime circumstance of aggravation is applicable.

153.3 Suggested Direction

[Last reviewed: December 2024]

The prosecution must prove that:

1. The Defendant took or detained another person.
2. The taking or detention was done forcibly.

- 3. The taking or detention was unlawful. That is, not authorised, justified or excused by law.**
- 4. The Defendant intended to gain anything from any person or to procure anything to be done or omitted to be done by any person.**