

154. Kidnapping for ransom: s 354A

154.1 Legislation

[Last reviewed: December 2024]

Criminal Code

[Section 354A](#) – Kidnapping for Ransom

154.2 Commentary

[Last reviewed: December 2024]

Pursuant to s 354A(1)(a), the defendant must have:

- (1) Taken, enticed away, or detained another person;
- (2) With intent to extort or gain anything from or procure anything to be done or omitted to be done by any person;
- (3) By a demand containing threats of detriment of any kind to be caused to the person taken or enticed away or detained, by the defendant or another, if the demand was not complied with.

Pursuant to s 354A(1)(b), the defendant must have:

- (1) Received or harboured;
- (2) The person to whom threats were made;
- (3) Knowing that person has been so taken or enticed away or detained.

See the direction on intention in **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)).

As per the Australian Concise Oxford Dictionary (3rd ed), 'extort' means obtain by force, threats, persistent demands, etc.

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).

This offence is a prescribed offence under s 161Q *Penalties and Sentences Act 1992* so a serious organised crime circumstance of aggravation is applicable.

154.3 Suggested Directions

[Last reviewed: December 2024]

Suggested direction for s 354A(1)(a)

The prosecution must prove that:

- 1. The Defendant took, enticed away or detained the Complainant;**
- 2. The Defendant with intent to extort or gain anything from or procure anything to be done or omitted to be done by any person;**
- 3. By a demand containing threats of detriment of any kind to be caused to any person, if the demand was not complied with.**

Suggested direction for s 354A(1)(b)

The prosecution must prove that:

- 1. The Defendant received or harboured the Complainant;**
- 2. Knowing the Complainant had been (a) taken or enticed away or detained; (b) by a person who intended to extort or gain anything from or procure anything to be done or omitted to be done by any person, by a demand containing threats or detriment of any kind to be counsel to the Complainant.**