

Kidnapping s 354¹

The prosecution must prove that:

1. The defendant took or detained² another person.
2. The taking or detention was done forcibly.
3. The taking or detention was unlawful. That is, not authorized, justified or excused by law.
4. The defendant intended to gain anything from any person or to procure³ anything to be done or omitted to be done by any person.

¹ The offence is a prescribed offence under s 161Q *Penalties and Sentences Act 1992* so a serious organised crime circumstance of aggravation is applicable.

² 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 per Williams JA.

³ The word “procure” in this section means “facilitate”, “enable”, “bring about” or “cause”. The word was not confined to meaning compel or induce. See *R v F, ex parte Attorney General* [2004] 1 Qd R 162.