

Kidnapping for ransom s 354A¹

A. (s 354A(1)(a))

The prosecution must prove that:

1. The defendant took, enticed away or detained² another person.
2. The defendant intended to extort³ or gain anything from or procure⁴ 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, enticed away or detained, by the defendant or another, if the demand was not complied with

B. (s 354A(1)(b))

The prosecution must prove that:

1. The defendant received or harboured.
2. The person in respect of whom the threats of detriment of any kind were made.
3. Knowing that person to have been so taken or enticed away or detained.

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 “Extort” means obtain by force, threats, persistent demands, etc (the Australian Concise Oxford Dictionary, Third Ed).

⁴ 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.