

# Clarkson's Anger goes into Top Gear

Missing out on your favourite meal at the end of a hard day at work is enough to make anyone a bit grumpy. But for 54-year-old Top Gear presenter Jeremy Clarkson, finding out that he couldn't order his steak and chips after finishing a day of filming reportedly caused him to lose the plot.

The nearby hotel where he had planned on having dinner had stopped serving food by the time he was ready to order.

The target of his anger was his producer, Oisin Tymon. Clarkson reportedly yelled and threatened to fire Tymon in a tirade lasting for about 20 minutes before punching him in the face. Tyson then took himself to hospital after suffering swollen and bleeding lips.

And although Tymon did not make a formal complaint, the BBC has decided that it will drop Clarkson from the Top Gear team.

Clarkson quickly admitted his wrong-doing and apologised for his conduct, but it was not enough to save his job. Clarkson's current contract is due to expire at the end of this month and the [BBC has announced that it will not be renewed](#).

Former Top Gear host [Quentin Wilson said that](#) Clarkson was a difficult man to work with. He believes that success may have gone to Clarkson's head, and hitting a co-worker because he didn't get his dinner was not acceptable.

The BBC defended its decision to fire the popular presenter, although fans have started a petition in an attempt to change the broadcaster's mind. The 'Bring Back Clarkson' petition has already been signed by more than 1 million fans, who believe that the show will not be the same without him.

In fairness, Clarkson has been instrumental in turning Top Gear into the popular and well-known show it is today. But many support the BBC's decision and are happy to see the back of Clarkson, saying that stars should not be allowed to get away with inappropriate behaviour in the workplace no matter how popular they are.

Clarkson may also face assault charges after police investigate the confrontation and its criminal implications. Witnesses have been interviewed and police have also asked the BBC for a report that details their internal findings.

### **Assaults in NSW**

If this attack had taken place here in NSW, there is certainly a possibility that Clarkson could have faced assault charges; with or without a formal complaint or statement from the alleged victim.

Assault is divided up into several categories, depending on the nature of the conduct and the injuries inflicted (if any).

The available facts in the Clarkson case would leave open the possibility of at least 3 types of assault charges:

1. Common assault,
2. Assault occasioning actual bodily harm
3. Reckless wounding

### **What is common assault?**

Common assault is an offence under section 61 of the Crimes Act 1900 ("the Act") and is the least serious of assault charges. It includes any action that causes a person to fear immediate and unlawful personal violence, even if no physical contact is actually made. If physical contact is made, it will include minor injuries that heal quickly, like scratches or grazes, but not more serious injuries.

In NSW, the maximum penalty for common assault will depend on

which court it is heard in. If it is heard in a Local court, such as the [Downing Centre court](#), the maximum penalty is twelve months imprisonment and/or a \$2,200 fine. If the case is heard in the District court, the maximum penalty is two years imprisonment.

### **What is assault occasioning actual bodily harm?**

Assault occasioning actual bodily harm (AOABH) is an offence under section 58 of the Act and is the next most serious assault charge. It involves injuries that are more than just "transient or trifling". This may include, for example, scratches, bruising and grazes that last more than just a couple of days. And in terms of mental health, psychological injury must be something more than transient emotion, feeling and states of mind.

The maximum penalty for AOABH in NSW if heard in the Local court is two years imprisonment and/or a \$5,500 fine. If heard in the District court, the penalties are higher: five years imprisonment.

### **What is reckless wounding?**

Reckless wounding is an offence under section 35(4) of the Act, and it is more serious than AOABH. In order to constitute reckless wounding, the injury must involve the cutting of the interior layer of the skin (the dermis). Breaking only the outer layer is not sufficient; however a split lip may constitute reckless wounding.

The maximum penalty for reckless wounding is seven years imprisonment in the District Court or two years if the case remains in the Local Court.

### **Will types of penalties can I expect for an assault charge?**

Common assault, AOABH and Reckless wounding all come with a criminal record if you are convicted. The penalties that a

court may impose also includes good behaviour bonds, community service orders, intensive correction orders, fines, suspended sentences and prison.

However, it is possible to escape a criminal record and a penalty if you are able to beat the charge by arguing that there is not enough evidence to prove your guilt or if you have a valid legal defence, such as 'self-defence'.

Even if you wish to plead guilty, you will be able to avoid a criminal record if you can convince a magistrate or judge to order a '[section 10 dismissal](#) or [conditional release order](#)'; which mean that you are guilty but a criminal conviction is not recorded against your name.

### **Clarkson defiant**

Back to the UK, it is reported that Clarkson is unhappy with BBC's decision to sack him and that he has vowed not to go down without a fight.

Legal action may even be on the cards from Clarkson's corner.

And adding to the BBC's woes, it has also been reported that Top Gear co-stars James May and Richard Hammond may turn down the offer to continue as presenters of the show if Clarkson is not reinstated.