

Graffiti war tipped on appeal success

A GRAFFITI rampage on cigarette billboards is predicted after a doctor's appeal was upheld yesterday against a charge of wilfully marking a "premises" with paint.

Dr Arthur Chesterfield-Evans, who was convicted last year for spraying an anti-smoking message on a cigarette poster, said his conviction was quashed because of a legal technicality.

He said the judge ruled that the billboard, which Dr Chesterfield-Evans admitted painting in August 1982, was not "premises" within the definition of the Offences in Public Places Act and the charge was therefore invalid.

A spokesman for BUGA UP (Billboard Utilising Graffitiists Against Unhealthy Promotions) said anti-smoking campaigners would take to the billboards more readily because yesterday's ruling would make it more difficult for advertisers to prosecute.

The spokesman, Mr Peter Vogel, said: "It only leaves a charge of mali-



Mr Vogel . . . providing a public service

cious injury — a hard one to prove when you consider the graffitiists argument that they are providing a public service.

"In any case, we're prepared to laugh all the way to jail on a malicious injury charge."

Dr Chesterfield-Evans likened his painting of the billboard to a man who defended the public from a cholera outbreak.

"If I saw a bloke about to pour cholera into the water supply, I'd pinch the flask from him. It might be stealing but any decent person would do it as a public service," he said.

"With 44 Australians dying each day because of smoking — that's 13 per cent of all deaths — I think it's the advertisers who are guilty of malicious injury for putting up the billboards in the first place."

A spokesman for W. D. and H. O. Wills, Mr Duncan Fairweather, said the law should be applied properly to stop the graffitiists.

"While BUGA UP feels it's getting off on a legal technicality, it's a pity that the law seems to be letting people get away with damaging private property," he said.

"We believe the public is judging BUGA UP every day. People are sick and tired of its antics."