

Time And Emotion



Chris Shain

INTERVIEW BY BRUCE USHER

Perhaps best known for his tireless efforts – with the ACMP in the 1990s – in helping to change the copyright rules for Australian photographers, Chris Shain continues to run a successful commercial photography business, but says the digital era has produced many new and different challenges. He talks to Bruce Usher about making time-lapse videos, his deep love of music, and working with the late, great David Moore.

I don't really understand Photoshop! I couldn't retouch a photo to save myself," says Sydney photographer Chris Shain between mouthfuls of Greek salad. But if I was to ask him about creating a 15-second video clip from 60,000 still frames harvested from a two-year time-lapse photography project, we'd be at his favourite Balmain cafe for at least another two coffees.

Chris also mentions a job that he's been quoting recently, but thinks he may not want to do. His contact is an inexperienced corporate communications person and he's been saying to Chris, "Come and shoot some pictures. Let's do different backgrounds with 30 different people. How much an hour are you?"

Chris comments, "You just know it's going to be a bit more complicated than that". But perhaps not as complicated as

the Tylor versus Sevin 2014 court case that Chris was called to as an expert witness and which brings us the subject of copyright. Copyright protection is probably the subject that many Australian photographers most associate with Chris Shain – and it was a big part of his life for while – but there's a lot more to him than that.

The Early Years

Chris Shain's father was a radio physicist with the CSIRO. He was world pioneer in radar and bouncing radio signals, but also a keen amateur photographer. Chris still has many of his negatives.

"He died very young," Chris says, by way of saying there was no great photographic influence from this source. Chris went to Barker College on Sydney's North Shore where, he recalls, there wasn't a camera club. Besides, Chris recalls that he

wasn't really interested in the visual arts at that time. He was a music and maths person, enjoying them both. But he does remember, at around 17 or 18, borrowing a telephoto lens from somewhere and photographing friends surfing at Avalon Beach.

After high school, Chris obtained an engineering cadetship with a scientific and medical equipment manufacturer. He did everything from working in the tool shop to research and development and designing defibrillators, and ended up spending even years there. It was during the last year that he became interested in photography – particularly the mechanics of the cameras – and set up a photography studio.

Chris started shooting corporate communications videos pretty early on, using a reel-to-reel tape machine and a massive camera. Now it happens online instantly, but back then video was revolutionary. He also began photographing some of the equipment that the company was manufacturing. His first "real commercial" photographic job came in the late 1970s. He recalls using the company's sales manager as the talent with a dummied-up tracheotomy using a hose coming from a humidifier.

Despite this promising start, a redundancy package arrived via the recession and Chris bought all the photography equipment for next to nothing. He just started shooting pictures... and hasn't stopped since.

After shooting an annual report for steel supplier William Adams, he became interested in doing more industrial

All photographs by Chris Shain, copyright 2017. Portrait of Chris Shain by Bruce Usher, copyright 2017.

photography and enrolled in a couple of part-time courses at the newly-opened Australian Centre for Photography. One course was with Phil Quirk – who was then a young hotshot up from Melbourne – and he subsequently met Anthony Browell and Graham McCarter, and began working with this group of highly successful Sydney-based commercial photographers. Sometime in 1978 he received a telephone call from Mark Lang, another of this group, who told him, “David Moore is looking for an assistant tomorrow; he’s caught out, are you available?”

That fortuitous call was the commencement of a long relationship. The 25-year-old Chris worked with David for the day and they got on well.

“I sort of hung around with him for ten years after that and, between my own assignments, we became friends. I even shot one of his daughter’s wedding.”

The Moore Years

“He had great passion,” Chris says of David Moore. “He was obsessed with imagery, but also with other artistic forms. I learnt a huge amount from him.”

One of the early jobs they did was to photograph the then chairman of Ampol, Sir Tristan Antico.

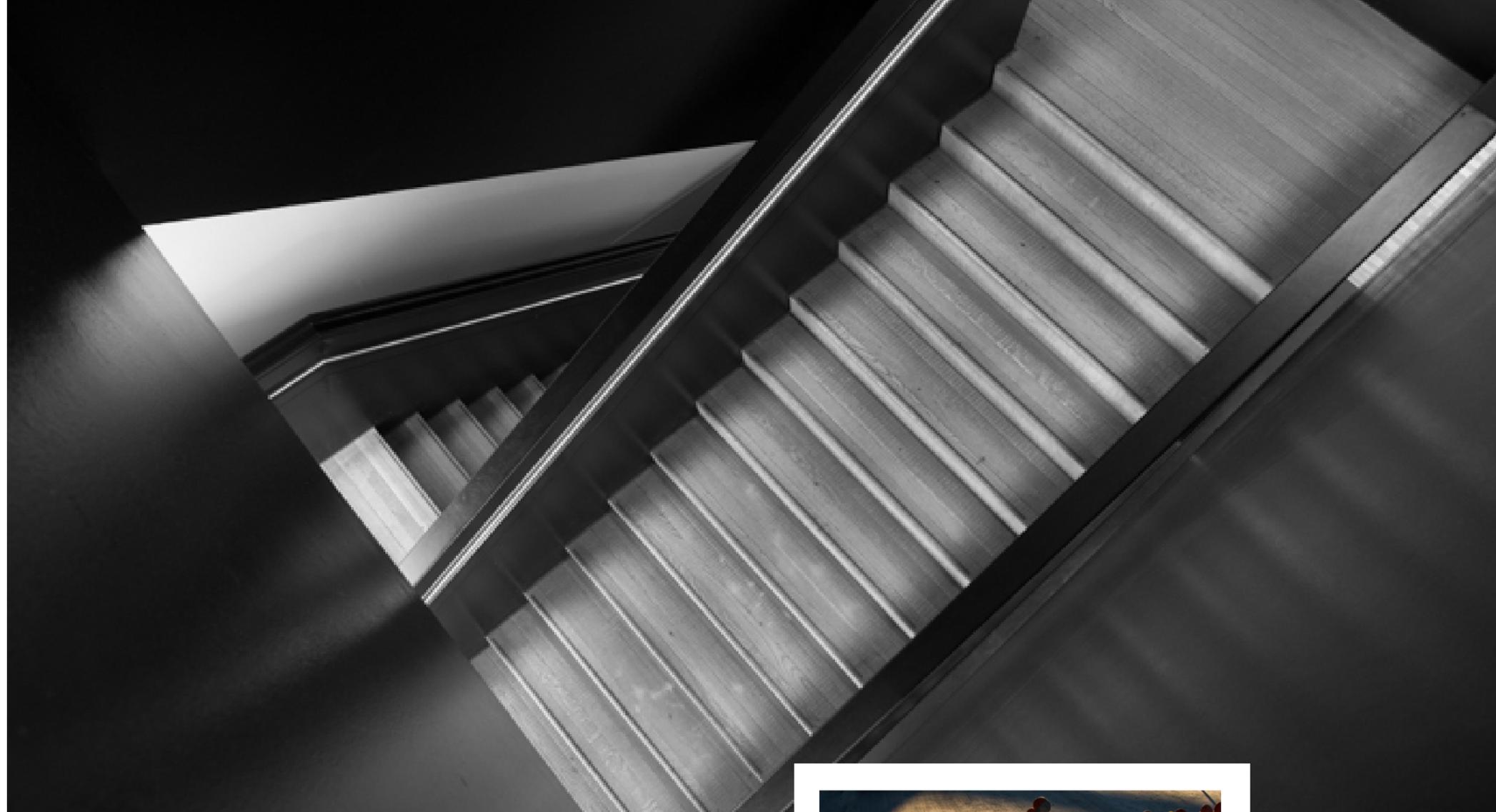
“He was a bit of work, I can tell you. I remember going into his office with David and Antico had a desk made from rock boulder, four meters across, that had been cut down. He was also very fussy, with minions all around him. The communications guy was trembling in his boots just talking to him. David was asked to do the job because Antico didn’t like the pictures that had already taken for the company’s annual report. It was interesting to see how David walked in and just took control. He put a jacket and tie on to look conservative and, in a nice kind of way, David was saying, ‘Look I can make you look like a dickhead or I can make you look good. You choose. If you want to co-operate I can make some nice pictures of you.’

“The way he handled these situations was very educational – it was just the body language or the verbal language, but this air of professionalism. So there was a little bit of respect both ways, which obviously worked.”

Chris says he learnt a lot about the interaction with clients from David, who he describes as “...an amazing networker. You should have seen him working the room at AGNSW openings”.

He also learned a lot about the business of photography in general.

“David and was really excited about



■ **Ehent que enda voluptat. Aque sequam nonseque necabo. Ugia sint aut lique suntur as cum ut dolorro ea doluptatum as dolenienda**



The biggest problem photographers have with copyright is themselves, because it’s very difficult to make a stand.

photographing the construction of the Glebe Island Bridge – now called The ANZAC Bridge – but it was his own project. He wasn’t commissioned, but he had to get access to he went to Baulderstone, the builder, and said, ‘I’m going to shoot this thing, can you give me access? I want to come in whenever I like, because I want to document the construction of this historic bridge.’ They let him do it, so David produced all these pictures completely unfettered, no commercial arrangement. In the end, though, he sold the books and Baulderstone bought a lot of the prints, but it was all on his terms. That was a big lesson for me about doing photographic projects

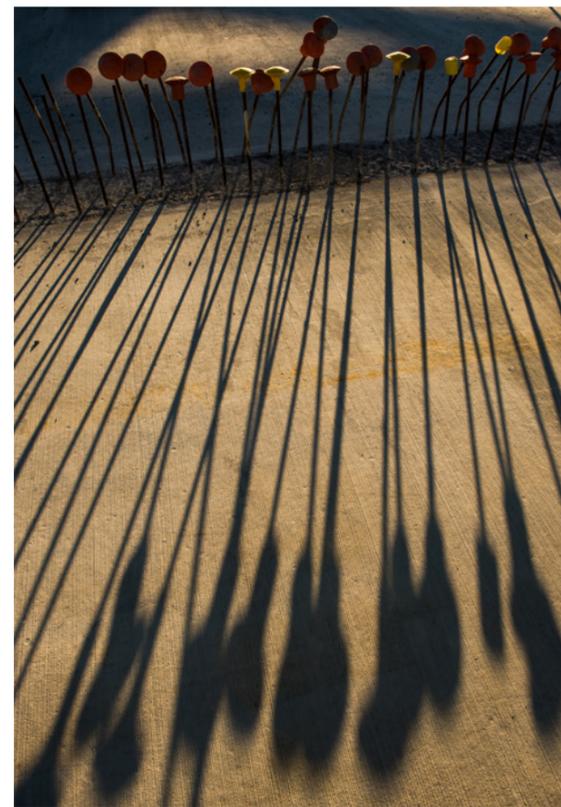
on your own terms. He was commercially very savvy.”

Chris says David Moore was passionate about quite a few things and he lobbied hard to get the tax situation changed in regard to artists donating their works to galleries.

“He thought that if he wanted to donate his archive to the State Library, for instance, or the AGNSW, he should get some sort of tax deduction, because the collection had a significant value. I’m not sure how that all turned out. David was incensed – from a copyright perspective – that Max Dupain didn’t own the copyright to many of his earlier pictures because he was actually employed by a client, Harland & Hyde. Max didn’t want to deal with the business side of things, so H&H did his bookwork – all the backend stuff – and he actually became an employee.”

Another of the earlier jobs on which Chris assisted David Moore was for Channel Seven’s annual report when they lit up the massive interior of the Atlab film-processing laboratory at Epping with just three compact Lowel Tota lights.

All photographs by Chris Shain, copyright 2017.



Chris says that, the week before, he had been assisting an advertising photographer to photograph a fridge in a studio, and that, “...we literally had a truck full of gear”.

Chris arrived at David’s studio at six o’clock in the morning for his next job and recalls, “All he had was a bag with two Nikon bodies and four prime lenses and another little box – like a Globite suitcase – with the three Totas in it. That was it!”

“I said to David, ‘Do you want a hand with the gear?’ and he said, ‘No thanks, it’s all in the car!’ I looked in the back of the car and said, ‘Yeah! You’re sure?’ David said, “You don’t need much. It’s not about relighting, especially when shooting architectural interiors. Base principal is to start with nothing, and see what’s there. Rather than saying, ‘I’m going to light this like this.”

The Copyright Years

I ask Chris whether, with all the work he has done on copyright for photographers over the years, does he look back in some frustration?

“Yes,” is his immediate answer. But he continues, “One of the most frustrating

things is that the photographers often blame the client. They’ll say, for example, aren’t these media proprietors a bunch of bastards? In some ways they are, but they’re also smarter, better organised and have better lawyers. They asked themselves; how are we going to control this content? We’ll just write contracts... and the photographers were silly enough to sign them. The biggest problem photographers have with copyright is themselves, because it’s very difficult to make a stand. When there are thousands of guys out there wanting to do it for nothing, or students who say, ‘I’ll work for a hundred bucks’.

“David Moore would have people telling him that those classic 1950 pictures of cars on the Sydney Harbour Bridge... well, everyone shot one of those! Maybe they did, but David could actually find his... and he owned the copyright. Down the track, images that may seem innocuous now, could well have some value to you.

“My family – to their financial detriment – has always been interested in service so it’s in my DNA. Some people go so far and then draw the line. Sometimes my wife tells me, ‘You aren’t going to save the world!’ Probably not, but you have to have a crack at it! One of the things about photography is that it’s an *experience*. So we are in a privileged position to see it and experience it and, depending on how good your skills are, to interpret and make something effective. That’s where copyright is important. I think we should be able to control our own work. We created it, so why shouldn’t we own it?”

Making Music

“Music is a balance to photography for me, another art form,” states Chris, who found out that he was a natural at school. The Year Nine student had no singing lessons, but sang solos and duets with a taller, blond-haired student by the name of Peter Garrett.

In another life Chris says he would like to have been a professional singer.

“I’ve dabbled in all sorts of music. I’m a tenor... a valuable and exchangeable commodity. I’ve sung all sorts of things around the world. One of the most stressful things I’ve ever done is sing a Negro spiritual at Michael Hutchence’s funeral – it was *Deep River*, a tenor solo with a choir. Oh, my God! St Andrew’s Cathedral was packed with the rock-’n-roll world’s luminaries and here is me getting up to sing in front of all these people and then walking out to the world’s media with hundreds of flashes going off. It was pretty amazing. I’m going on a tour with the St James choir who are all professional

musicians, but I sing with them part-time. The tour is to England and includes singing in Westminster Abbey for a week, then the Winchester and Exeter Cathedrals, then to Rome, Paris, Vienna and finally back to Westminster Abbey for ANZAC Day.”

Chris Shain arrived home from London to a massive pile of paperwork and more time-lapse photography contracts.

But the first photography to be tackled is the AIPP’s Second World War Veterans portrait project which, when completed, will be to be presented to the Australian War Memorial. Hundreds of photographers around the country are involved, and there are still around ten thousand WWII veterans alive. Chris photographed ten of them at a Wollongong Nursing home and then another 15 at the Figtree Bowling Club which the local RSL organised.

ProPhoto caught up with Chris again a few months after he returned from his European singing tour. He arrived at this interview directly from setting up a time-lapse camera on a long-term construction site.

“There’s a lot to do in these set-ups – deciding where the camera is to go and how to attach it. You have to imagine what the finished shot is going to look like. You’re setting something up now for the finished shot which is a long way down the track.”

Digital capture has made time-lapse photography much more feasible. His set-ups can involve up to ten Nikon D3300 D-SLRs in specialised housings each with a 3G modem which sends the image files wirelessly to a server.

“Right now, they’re still coming in and, at some point, you have to gather up all these still frames... and there may be as many as 60,000 of them. Even getting the files off the server, processing them and turning them into a motion file is very time-consuming and computer-hungry. Then you have to edit and, at 24 frames per second, ending up with 15 to 20 minutes of motion which is actually completely ludicrous, you really only need 30 seconds. These clients are big corporations or government departments and the finished videos are mostly used for marketing. Some contracts for time-lapse videos can be worth \$100,000 or even \$150,000.”

Taylor V Sevin

The case of Taylor v Sevin was decided on 26 February 2014 in the Federal Circuit Court of Australia, and it’s become an important precedent in the pursuit of copyright infringements, especially in the digital era, because the dispute actually progressed to legal proceedings.

Vincent Tylor is an American



■ **Ehent que enda voluptat. Aque sequam nonseque necabo. Ugia sint aut lique suntur as cum ut dolorro ea doluptatum as dolenienda**



The commercial reality of being a photographer is getting harder. You have to be more business-like, and clients have bigger expectations now... for less money.”

photographer who runs an online stock photo agency in Hawaii, and discovered one of his images was being used illegally by a Melbourne-based online travel agency. All attempts to obtain compensation failed so Tylor elected to take legal action in Australia. With his extensive experience of copyright issues relating to photography in Australia, Chris Shain was called as the expert witness. A public judgment was handed down in favour of Tylor and

awarding both damages – which included the original license fee for the image – and costs. The total amounted to over \$24,000.

“Photographers need to be recompensed for having their work abused,” comments Chris, “and the magic of this is that here is a well-documented court case which starts to create some reality in terms of the money involved. Here someone has clearly ripped off the pictures and they have to pay. It went to court and the judge came down heavily on them. I know several lawyers who have used this case as a bit of a beating stick to say, ‘Look, if you want to keep pursuing this, there is now case in law that makes it very clear that you have done the wrong thing and this is what it’s going to cost you. A legal precedent has been set’. The problem previously was that there had never been any precedents.

“The commercial reality of being a photographer is getting harder. You have to be more business-like, and clients have bigger expectations now... for less money.

All photographs by Chris Shain, copyright 2017.

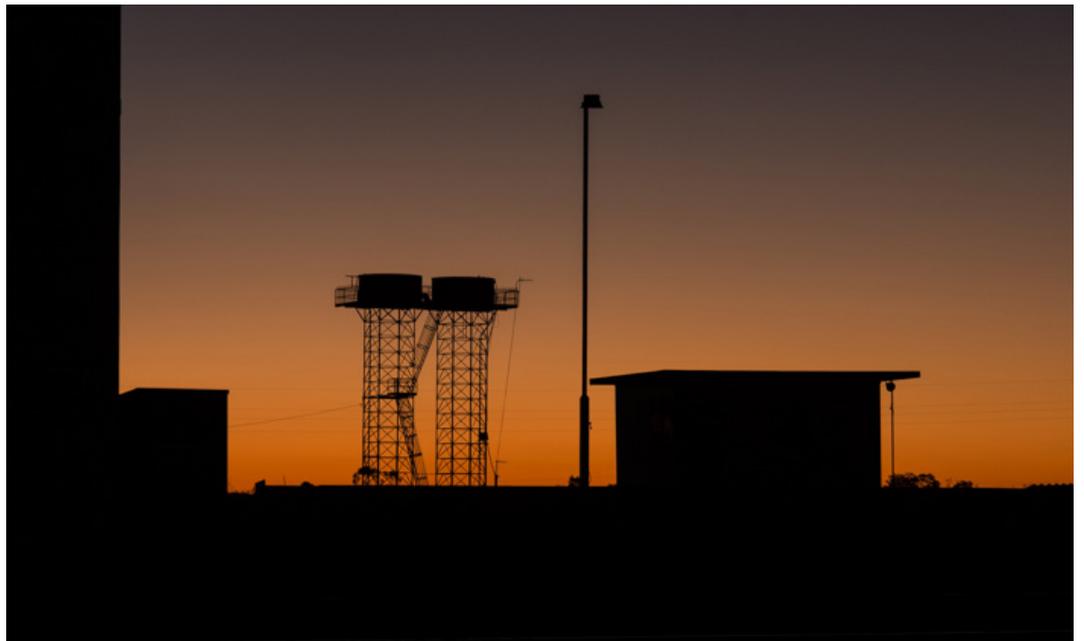




And there are bucket loads of people out who aren't making a living at all!"

Chris Shain believes there is now a disconnect happening between having a passion for image-making and making a living from commercial photography.

"A professional is not just somebody who owns a camera. It's not about the camera, it's what you bring to the table and how you might make that work. I think the photographer is an observer and the emotional response to a photo is very important. It's a bit of a way of life for me rather than I get up and turn into a photographer a nine o'clock. I'm always thinking about pictures and the things I'd like to document. A project here or there. Plenty of it doesn't come to fruition, but it's a lifestyle. The time when all the photographers say no to contracts or change them, would make my day. Mind you, I also understand the realities of



working with some clients, and what they want and demand.

"We're terrible fortunate as photographers. People think kids are born with eyes, therefore they can see. Often

we're not! And photographers and artists in general, this is what you do. You see things and you interpret what you see... and lots of people don't get that. This is, I think, the gift that photographers have." **CP**