



Profile: Nicholas Cole

Legal Practitioner Director of Cole Media & Entertainment Law and Producer at Talk Films

CAMLA Young Lawyers representative, Betheli O'Carroll, recently spoke to Nicholas Cole about his roles at Cole Media & Entertainment Law and Talk Films, as well as his predictions for the media and entertainment industry.

Thanks so much for agreeing to share some of your insights, Nick. Firstly, where do you work and what are your roles?

I am the Legal Practitioner Director of Cole Media & Entertainment Law, which is a firm I established at the end of 2012. So to cut a long story short, I'm self-employed.

I think our readers would be very interested in Talk Films. Can you tell us a bit more about that company and your work there?

That's a company that I set up in 2001. It's the vehicle I use to develop and to produce films. My background is in production so it works well with my legal practice as I genuinely understand the needs of my clients and their businesses.

You've had a very interesting career, could you please tell us a bit more about yourself and your previous positions?

The day after my final law exam I went to work as a runner on a feature film. I always wanted to work in film, so I worked my way up through the business. I moved into editing, and then became second unit director on a show called *Big Sky*. I eventually ended up as a director on *Water Rats*.

It was when *Water Rats* was cancelled unexpectedly that I had to think hard about what would happen next. I decided it was better for my family and raising children if I were doing something that offered stability so that's when I made the switch to law. I managed to get a job as a paralegal with Lloyd Hart Lawyers. I went to College of Law part-time and after that I did my Masters of Law. I then moved to the Film Finance Corporation and performed

an in-house role. After a couple of years at the Film Finance Corporation, I went to work at DLA Phillips Fox as it was, and was made Special Counsel.

After a while the "big firm" wasn't working out and it seemed like a good idea to set up on my own. It just felt like it was the right time to back myself. So I left DLA Piper, worked very briefly with a boutique entertainment firm, then set up on my own and haven't looked back. I've been lucky and have managed to work on some great projects. One of the first projects I got involved with was *Marco Polo*. Then I went on to *The Water Diviner*. After that, I worked on *Truth*, which was the Cate Blanchett film and more recently I've been on *Hacksaw Ridge*, which is the Mel Gibson film that's currently filming in Australia. I've also been working on some interesting television projects and some small indigenous projects.

What do you consider to be some of the biggest legal challenges facing the media and entertainment industry?

In terms of legal challenges, there's quite often a level of tension between the law being behind where industry practice is at. For example, the *Copyright Act* doesn't always equate with where technology underpinning IP and content rights are at, so there can be a disconnect at a basic level. Also, on the financing side, the concepts underpinning the Producer Offset scheme which was set up in 2007, are already out-dated. So that's a challenge—trying to help clients work within the parameters of legal constraints that exist and devising ways to work around them. What clients are doing can be constrained by concepts and legislation that are redundant.

What opportunities do you think are available in the media and entertainment industry?

OK, this is going to sound tough, but it's the truth: "opportunities?" There are none. Film and media are tough businesses so no opportunity is going to be presented to you. The only opportunities that exist are the ones you create for yourself. I have a very simple philosophy. Keep doing something, anything. Always keep working. Take the project that's going, not the one that might be going. Every day, do and act. Don't procrastinate or wait. In my experience, it's quite rare for opportunities to be presented to you. I've had to create them for myself otherwise nothing would have happened.

Fast-forward 15 years, what do you think the media and entertainment industry will look like?

One side of the business will remain exactly the same because it's remained the same for 2,000 years, and that is the need for stories. Stories are a fundamental part of our community, our lives. People love to hear and tell stories.

The economics and distribution models for how we disseminate those stories will change. There's been profound structural change within the media industry over the last five to ten years and that structural change will continue. However within the last two years there's been greater clarity coming into the market in terms of what the future will look like. I'm not going to say I have all the answers but, in the short term, the big tent-pole project will con-

tinue to dominate and independent films will struggle, so it's unlikely that we're going to be seeing many small Australian films on screens. However, on a longer term basis, I think there will be a resurgence in independent film. Audience's interest in tent-pole projects will wane and I'm looking forward to there being niche opportunities for independent projects that can potentially reach out to a global market in a way that was never before possible.

If you could give one piece of advice to someone interested in working in a boutique environment, what would it be?

Back yourself. The value of being in a firm is the technical training that it can bring and exposure to big transactions, government work and stuff that you can't get in a boutique environment. But at a certain point, if you want to take a greater level of control over your destiny and do something that's close to your passion, back yourself. Just go and do it.



BETHELI O'CARROLL is a Research and Standards Officer at the Australian Press Council, and a member of the CAMLA Young Lawyers Committee.

CONTRIBUTIONS & COMMENTS

Contributions and Comments are sought from the members and non-members of CAMLA, including features, articles, and case notes. Suggestions and comments on the content and format of the Communications Law Bulletin are also welcomed.

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