The BritBox service offers subscribers a curated collection of certain genres of British television, specifically focussing on drama, comedy, documentary, lifestyle and crime. Its core value proposition is expert curation of exclusively British programming in those genres. The service is operated and retailed by The BritBox Australia Partnership.

All content made available on BritBox in Australia is British. For almost all of our titles, this means that all of the following apply:

- The content was commissioned by a UK broadcaster
- The content had its worldwide premiere on a UK television channel
- The content was produced in the UK
- The content was produced by a UK production company
- The content features a majority UK cast and crew
- The content depicts aspects of life in the UK

We therefore respectfully submit that BritBox is an 'excluded service' within the meaning of section 121FZ of the BSA 1992 pursuant to sub-sections (b)(i) and (b)(iv), in that:

"(b) the service's appeal to the public in Australia was limited because the service:

(i) was targeted to special interest groups; or
(ii) ...; or
(iii) ...; or
(iv) predominantly provided programs of limited appeal."

The Explanatory Memorandum states that "The intention of this section is to ensure that only large SVOD services offering programming of general appeal to the Australian public are subject to the Australian content expenditure requirement." BritBox clearly does not offer programming that is of general appeal in Australia – it is a focussed, thematic service offering only a particular niche of non-Australian content. The EM further identifies 'Crunchyroll', a Japanese anime service, as an example of an excluded SVOD service on the basis that it is targeted at a special interest group (i.e. fans of Japanese anime) and features programs of limited appeal (i.e. Japanese anime). BritBox and Cruchyroll are analogous in this context. Like Crunchyroll, BritBox is a service based on a certain type of content from a single country outside Australia, targeted specifically at a section of the Australian public that has a particular interest in that country's audiovisual output. Unlike other SVOD platforms, BritBox does not offer all-genre, multi-territory content and does not seek to operate as a broad general entertainment service. This narrow and culturally specific content proposition supports its classification as an 'excluded service'. Like Crunchyroll, BritBox's appeal is inherently limited by design, reflecting a deliberate editorial focus. Therefore, BritBox falls squarely within this policy intent of excluding thematic services which are not of general appeal to the Australian market.

We also note that in early 2023 when the Senate[1] was scrutinising the relevant legislative proposals that eventually passed into law in Part 8C of the BSA 1992, BritBox was specifically used as an example of a niche service that should be exempt from the new requirements because BritBox is "very much a specific genre with a specific target market".

[1] Senate Environment and Communications Legislation Committee, 14 February 2023, p99 (Hansard – uncorrected proof)