

# Split Rest Breaks and missed rest stops – 2 Clarifications

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## **1. Does Logmaster have input options for Split Rest Breaks? With reference to Section 255 of the HVNL.**

No. Logmaster will identify all breaches in relation to 7-hour breaks not taken.

Logmaster will calculate a breach and an authorised officer may issue a fine. The driver can mark notes against events and later present a defence against the fine in court. A 'Split Rest Break' (under BFM) is not a Fatigue Rule but a "Defence for solo drivers operating under BFM hours". It is an unplanned irregular activity (that is not recommended under HVNL).

For the Record Keeper: You can, as an investigation outcome, find a breach to be a split rest break, only when identified by the driver in accordance with the HVNL.

### **REFERENCE:**

#### **Heavy Vehicle National Law (Queensland) Chapter 6 Vehicle operations—driver fatigue:**

#### **HEAVY VEHICLE NATIONAL LAW (QUEENSLAND) – SECT 255**

*Defence for solo drivers operating under BFM hours relating to split rest breaks*

#### **255 Defence for solo drivers operating under BFM hours relating to split rest breaks**

(1) This section applies if, at a particular time, the driver of a fatigue-regulated heavy vehicle is required under section 254 to have 7 continuous hours of stationary rest time in a period of 24 hours.

(2) In a proceeding for an offence against section 254 for a solo driver of a fatigue-regulated heavy vehicle relating to the driver failing to have the 7 continuous hours of stationary rest time, it is a defence for the driver to prove that—

(a) at the time the driver was required to have the 7 continuous hours of stationary rest time, the driver was operating under BFM hours as a solo driver of a fatigue-regulated heavy vehicle; and

(b) during the period of 24 hours for which the 7 continuous hours of stationary rest time was required to be had, the driver had 6 continuous hours of stationary rest time and 2 continuous hours of stationary rest time (a "split rest break"); and

(c) the driver had not had a split rest break in the previous 24-hour period.

#### *Example of when the defence applies:*

The driver of a fatigue-regulated heavy vehicle stops work to have 7 continuous hours of stationary rest time, but cannot sleep, so the driver has only 2 continuous hours of stationary rest time and then drives on for a further 2 hours and has a further 6 continuous hours of stationary rest time at another place down the road. In the previous 24-hour period the driver had 7 continuous hours of stationary rest time.

## **2. Does Logmaster have input options for drivers unable to take short rest breaks at the time due? With Reference to Section 252 of the HVNL.**

No. Logmaster will record a breach if the logbook does not record times within the required work and rest times.

If a driver is unable to take a rest and is able to keep records as to why, the appropriate process for presenting their defence is in a court procedure.

### **REFERENCE:**

#### **HEAVY VEHICLE NATIONAL LAW (NSW) – SECT 252**

*Defence relating to short rest breaks for drivers operating under standard hours*

#### **252 Defence relating to short rest breaks for drivers operating under standard hours**

(1) This section applies if, at a particular time, the driver of a fatigue-regulated heavy vehicle is required, under section 250 or 251, to have a short rest break.

*Examples of when this section applies:*

The driver is required to have 15 continuous minutes rest time because—

- (a) the driver has worked for 5¼ hours; or
- (b) the driver has worked for 7½ hours and has only had 15 continuous minutes rest time during that period; or
- (c) the driver has worked for 10 hours and has only had 3 lots of 15 continuous minutes rest time during that period.

(2) In a proceeding for an offence against section 250 or 251 relating to the driver failing to have the short rest break, it is a defence for the driver to prove that—

- (a) at the time the driver was required to have the short rest break, there was no suitable rest place for fatigue-regulated heavy vehicles; and
- (b) the driver had the short rest break—

- (i) at the next suitable rest place for fatigue-regulated heavy vehicles available after that time on the forward route of the driver's journey; and
- (ii) no later than 45 minutes after the time the driver was required to have the short rest break.

*Example of when the defence applies:*

The driver of a fatigue-regulated heavy vehicle fails to have a short rest break after 5¼ hours of work time because there was no suitable rest place for fatigue-regulated heavy vehicles when the driver was scheduled to have the short rest break. Instead, the driver has a short rest break after 5½ hours work at a suitable rest place for fatigue-regulated heavy vehicles down the road.

(3) In this section—

“short rest break” means rest time of less than 1 hour.

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