Statement of Principles concerning migraine (Reasonable Hypothesis) (No. 7 of 2018)

made under subsection 196B(2) of the

Veterans' Entitlements Act 1986

Compilation No. 1

Compilation date: 26 November 2018

Includes amendments up to: Amendment Statement of Principles concerning migraine (Reasonable Hypothesis) (No. 98 of 2018) (F2018L01499)

The day of commencement of this Amendment Statement of Principles concerning migraine is 26 November 2018.
About this compilation

This compilation

This is a compilation of the Statement of Principles concerning migraine (Reasonable Hypothesis) (No. 7 of 2018) that shows the text of the law as amended and in force on 26 November 2018.

The notes at the end of this compilation (the endnotes) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.
Statement of Principles concerning
MIGRAINE
(Reasonable Hypothesis)
(No. 7 of 2018)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(2) of the Veterans' Entitlements Act 1986.

Dated 22 December 2017
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1 Definitions ............................................................................................... 7
1 Name
This is the Statement of Principles concerning migraine (Reasonable Hypothesis) (No. 7 of 2018).

2 Commencement
This instrument commences on 29 January 2018.

3 Authority
This instrument is made under subsection 196B(2) of the Veterans' Entitlements Act 1986.

4 Revocation
The Statement of Principles concerning migraine No. 56 of 2009, made under subsection 196B(2) of the VEA is revoked.

5 Application
This instrument applies to a claim to which section 120A of the VEA or section 338 of the Military Rehabilitation and Compensation Act 2004 applies.

6 Definitions
The terms defined in the Schedule 1 - Dictionary have the meaning given when used in this instrument.

7 Kind of injury, disease or death to which this Statement of Principles relates
(1) This Statement of Principles is about migraine and death from migraine.

Meaning of migraine

(2) For the purposes of this Statement of Principles, migraine:

(a) means a condition which is characterised by recurrent episodes of headache that are most often unilateral, pulsatile, periodic and disabling, lasting 4 to 72 hours; and

(b) excludes cluster headache, tension-type headache, headache attributable to structural abnormalities or inflammatory disorders of the head and neck, and headache attributable to systemic disease.

Note 1: Typically, the headache is aggravated by routine physical activity, and may be accompanied by nausea, photophobia and phonophobia.
Note 2: Some patients may experience visual or sensory symptoms, collectively known as an aura, that arise most often before the head pain, but can also occur during or afterward. Most commonly, the aura consists of visual manifestations, such as scotomas, photophobia, or visual scintillations (for example, bright zigzag lines). The head pain may also be associated with weakness (hemiplegic migraine).

(3) While migraine attracts ICD-10-AM code G43, in applying this Statement of Principles the meaning of migraine is that given in subsection (2).


Death from migraine

(5) For the purposes of this Statement of Principles, migraine, in relation to a person, includes death from a terminal event or condition that was contributed to by the person's migraine.

Note: terminal event is defined in the Schedule 1 – Dictionary.

8 Basis for determining the factors

The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that migraine and death from migraine can be related to relevant service rendered by veterans, members of Peacekeeping Forces, or members of the Forces under the VEA, or members under the MRCA.

Note: MRCA, relevant service and VEA are defined in the Schedule 1 – Dictionary.

9 Factors that must exist

At least one of the following factors must as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting migraine or death from migraine with the circumstances of a person's relevant service:

(1) undergoing treatment with a nitric oxide donor, at the time of the clinical onset of migraine;

Note: nitric oxide donor is defined in the Schedule 1 - Dictionary.

(2) having severe and persistent asthma within the five years before the clinical onset of migraine;

Note: severe and persistent asthma is defined in the Schedule 1 - Dictionary.
(2a) having concussion or moderate to severe traumatic brain injury before the clinical onset of migraine, where migraine has developed within the seven days of:
   (a) injury to the head; or
   (b) regaining consciousness following the injury to the head; or
   (c) discontinuing medication that impairs the ability to sense or report headache following the injury to the head;

(3) undergoing treatment with a nitric oxide donor, at the time of the clinical worsening of migraine;
   Note: clinical worsening of migraine and nitric oxide donor are defined in the Schedule 1 - Dictionary.

(4) having severe and persistent asthma within the five years before the clinical worsening of migraine;
   Note: clinical worsening of migraine and severe and persistent asthma are defined in the Schedule 1 - Dictionary.

(4a) having concussion or moderate to severe traumatic brain injury before the clinical worsening of migraine, where migraine has worsened within the seven days of:
   (a) injury to the head; or
   (b) regaining consciousness following the injury to the head; or
   (c) discontinuing medication that impairs the ability to sense or report headache following the injury to the head;

(5) being obese for at least the five years before the clinical worsening of migraine;
   Note: being obese and clinical worsening of migraine are defined in the Schedule 1 - Dictionary.

(6) inability to obtain appropriate clinical management for migraine.

10 Relationship to service

(1) The existence in a person of any factor referred to in section 9, must be related to the relevant service rendered by the person.

(2) The factors set out in subsections 9(3) to 9(6) apply only to material contribution to, or aggravation of, migraine where the person's migraine was suffered or contracted before or during (but did not arise out of) the person's relevant service.
11 Factors referring to an injury or disease covered by another Statement of Principles

In this Statement of Principles:

(1) if a factor referred to in section 9 applies in relation to a person; and

(2) that factor refers to an injury or disease in respect of which a Statement of Principles has been determined under subsection 196B(2) of the VEA;

then the factors in that Statement of Principles apply in accordance with the terms of that Statement of Principles as in force from time to time.
Schedule 1 - Dictionary

Note: See Section 6

1 Definitions

In this instrument:

being obese means having a Body Mass Index (BMI) of 30 or greater.

Note: BMI is also defined in the Schedule 1 - Dictionary.

BMI means \( \frac{W}{H^2} \) where:

- \( W \) is the person's weight in kilograms; and
- \( H \) is the person's height in metres.

chronic migraine means a headache occurring on at least 15 days per month for more than three months, and:

(a) on eight or more days per month has the features of migraine headache (with or without aura); and
(b) has occurred in a patient who has had at least five previous attacks of migraine headache.

clinical worsening of migraine means a change in the nature of the migraine resulting in one or more of the following:

(a) attacks of migraine that are increased in frequency by a factor of two-fold or more;
(b) attacks of migraine that are increased in severity with debilitating, long-lasting symptoms including nausea, vomiting, photophobia or phonophobia;
(c) a conversion from episodic to chronic migraine;
(d) an increase in the requirement for hospitalisation for management of the manifestations or complications of migraine; or
(e) an episode of severe migraine resulting in status migrainosus, cerebral infarct, seizure or death.

Note: chronic migraine is also defined in the Schedule 1 - Dictionary.

migraine—see subsection 7(2).


nitric oxide donor means a pharmacologically active substance that releases nitric oxide \textit{in vivo} or \textit{in vitro} and includes amyl nitrate, glyceryl nitrate, isosorbide mononitrate, isosorbide dinitrate, sodium nitroprusside, mannitol hexanitrate and nitrous oxide.
relevant service means:
(a) operational service under the VEA;
(b) peacekeeping service under the VEA;
(c) hazardous service under the VEA;
(d) British nuclear test defence service under the VEA;
(e) warlike service under the MRCA; or
(f) non-warlike service under the MRCA.

Note: MRCA and VEA are also defined in the Schedule 1 - Dictionary.

severe and persistent asthma means asthma having any of the following specified characteristics, alone or in combination, for a cumulative period of at least six months within a continuous one year period:
(a) FEV1 (forced expiratory volume in one second) of 60% or less of expected value;
(b) wheeze, tightness, cough, dyspnoea or other symptoms occurring throughout each day;
(c) frequent flare-ups;
(d) the presence of night-time symptoms on more than one night per week; or
(e) symptoms frequently restrict activity or sleep.

terminal event means the proximate or ultimate cause of death and includes the following:
(a) pneumonia;
(b) respiratory failure;
(c) cardiac arrest;
(d) circulatory failure; or
(e) cessation of brain function.

VEA means the Veterans’ Entitlements Act 1986.
Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

- Endnote 1—About the endnotes
- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.
Endnotes

Endnote 2—Abbreviation key

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Statement of Principles concerning
Migraine (Reasonable Hypothesis) (No. 7 of 2018)
Veterans' Entitlements Act 1986

Compilation No. 1
Compilation date: 26/11/2018

Authorised Version F2018C00853 registered 26/11/2018
## Endnote 3—Legislation history

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### Endnote 4—Amendment history

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