

SHAYNA SWAM AGAINST

The swimmer's quest to fight allegations she was a drug cheat has left her financially ruined, while the end result only further highlights inequities within the sport, writes **JULIAN LINDEN**

IN her quest to prove she was no drug cheat, Shayna Jack chopped off some of her hair and sent the strands in a sealed envelope to a laboratory in France.

Microscopic traces of drugs can be detected in human hair for up to a year after they disappear from blood and urine so if Jack was lying about being innocent, her blonde locks would give her up.

The results came back clean but it was not considered as evidence because posting samples in the mail fails to meet the standard needed for chain of custody.

So Jack underwent a full body scan, which she was told would show whether there were any changes to her body indicating drug use.

Again, the results showed no signs of cheating.

But it was a futile exercise.

Under the present regulations, which stipulate athletes are responsible for whatever is found in their systems, the onus was on her to identify the source of the tiny traces of ligandrol found in the Queensland swimmer's sample after an out-of-competition test at a training camp in Cairns in June 2019.

One of Australia's rising stars in the pool, Jack left no stone unturned in trying to figure out where the traces came from, ordering tests on the food and drink she had consumed as well as the cosmetics and nail polish she had worn. She even sent her teeth whitener off to a laboratory – all to no avail.

After 17 months without funding and having to pay her legal fees, she was left broke.

In the weeks immediately after news of her positive test, some of her sponsors began to bail on her.

The Cali Condors, one of eight franchises entered in the lucrative professional International Swimming League, called to say she was unable to compete under their one strike and you're out policy.

Facing a six-figure debt, she's been able to recoup some of her losses through appearances on Seven's SAS Australia and doing photo shoots and promoting a local Jeep



Shayna Jack and (above, third from left) with fellow 4x100m gold medalists Cate and Bronte Campbell and Emma McKeon at the 2018 Commonwealth Games. Inset: Travis Tygart.



salesyard in Brisbane, but she is still in a deep financial hole.

Her failed efforts to locate the source were not a complete waste of her time and money, though.

Alan Sullivan QC, the sole arbitrator who sat in judgment of her two-day appeal to the Court of Arbitration for Sport, took note of the

extreme lengths she had taken and also that all her previous tests had come back clean.

On her lone adverse sample, the concentration levels of ligandrol were so low they were defined as "pharmaceutically irrelevant".

After seven weeks of deliberation, CAS announced its ruling.

The good news for Jack was the

arbitrator believed her, finding "on the balance of probabilities, that Shayna Jack did not intentionally ingest ligandrol" and that she had "discharged her onus of proving that the anti-doping rule violation was not intentional".

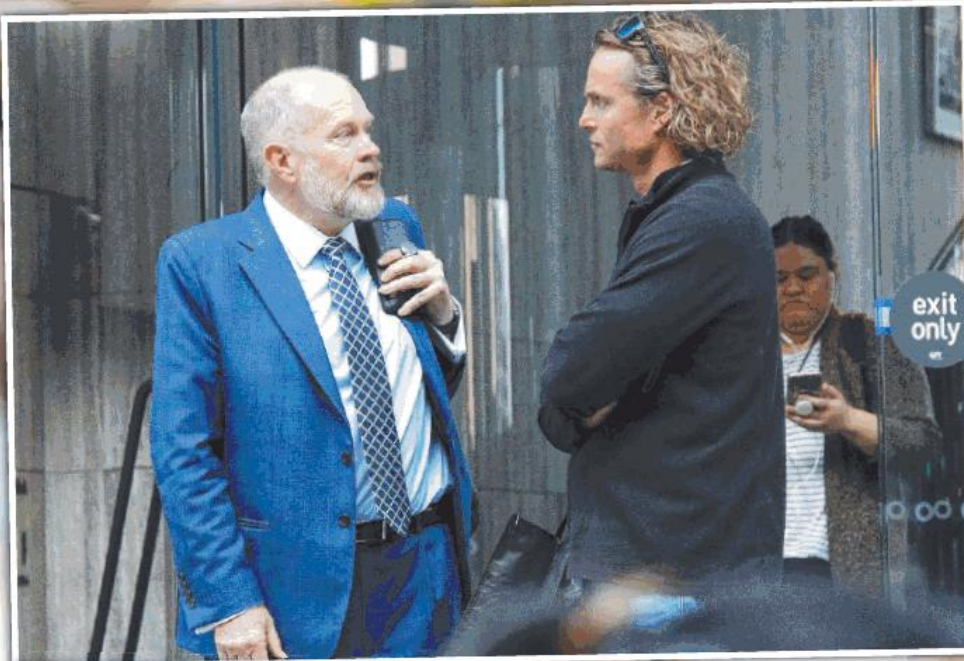
The bad news was he still recorded a doping violation against her and imposed a two-year suspension.

For the woke mob who wanted someone to pay for the Australians who pointed fingers of blame at China's Sun Yang while Jack's positive test was kept from the public, she deserved everything she got.

But for critics of the current regulations, this was another example of a flawed system that while catching tiddlers allowed the bigger fish to get



THE FIERCEST TIDE



Shayna Jack's swimming coach Dean Boxall (top, right) at her lawyer's offices; and Jack with a new Jeep, believed to be a sponsorship deal with Springwood Motorama. Pictures: Tertius Pickard

Tygart did not flinch from his pursuit of Armstrong and could never be accused of wavering in his crusade to catch cheats, but he is alarmed by the current regulations and advocates urgent reform.

In the US alone since 2016, there have been 26 separate instances – not including supplements – of athletes accidentally testing positive, including the farcical case of cyclist Carl Grove.

Grove was deemed to have committed a doping violation after he tested positive to traces of steroids he unknowingly consumed from eating chicken liver at a diner on the eve of his race – in which he was the only entrant in the 90-94 age group.

USADA gave the nonagenarian a public warning – the lowest sanction available – and has declined to ban other athletes who fell foul of the rules through no fault of their own.

Another of the athletes USADA did not suspend was Madilyn Nickles, who tested positive to the same muscle builder that Jack got two years for.

A Californian-based softballer, Nickles became contaminated after having sex with her boyfriend, who had been prescribed medication that contained traces of ligandrol.

"We're not talking about EPO or human growth hormone or stanozolol, we're talking about eight substances that we keep seeing at really low levels," Tygart said.

"Our rules require us to go forward ... but herein lies the problem, those that implement the rules don't make the rules, so they have to grin and bear it, but you feel like you're banging your head up against the wall."

Professor Jack Anderson, director of sports law at the University of Melbourne, said the steep increase in positive tests was partly due to improved testing methods.

Estimated to be 1000 times more sensitive than a decade ago, the new procedures have been real game changers in the war on doping, but have also renewed concerns about the fairness of existing policies.

"This idea of mandatory sentences, even in the criminal law, is difficult," Anderson said.

"It sounds tough in a law-and-order kind of way, but actually every case should be looked at on its merits, and in sentencing there's always room for flexibility.

"The issue is how flexible do you go, because there may be a danger some jurisdictions may be more flexible than others."

away. When Russia's Yulia Efimtova tested positive for anabolic steroids in 2014, she was banned for just 16 months and allowed to compete at the 2016 Rio Olympics.

When Sun tested positive to a banned stimulant, also in 2014, he was given three months.

"That's a sham way to run a program and bad for athletes but that's

certainly one reason to keep the rule where it's at," said Travis Tygart, chief executive of the United States Anti-Doping Agency.

"It's the ultimate bureaucracy, just without care or real concern for the effectiveness of the program but just racking up positives."

Tygart is anti-doping's alpha angler. He's the American lawyer

who busted Lance Armstrong after the testers had failed to nab cycling's most audacious cheat.

Tygart received death threats during his long pursuit of Armstrong.

One was from a crazed urologist who threatened to nail Tygart to a tree and skin him alive while he was forced to watch his children being castrated.