



# MAGISTRATES COURT of TASMANIA

## CORONIAL DIVISION

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### **Record of Investigation into Death (Without Inquest)**

*Coroners Act 1995  
Coroners Rules 2006  
Rule 11*

**(These findings have been de-identified in relation to the name of the deceased and family by the direction of the Coroner pursuant to s 57(1)(c) of the Coroners Act 1995)**

I, Leigh Mackey, Coroner, having investigated the death of JW

**Find, pursuant to Section 28(1) of the *Coroners Act 1995*, that**

- a) The identity of the deceased is JW (date of birth 22 January 1957). JW was 66 years old at the time of his death, married to XT for 35 years and aside from type 2 diabetes, managed through diet, and hypertension he was in good health. JW was employed within the Human Resources Department of the Australian Antarctic Division.
- b) JY and XT have owned dogs throughout their married life. XT competed with their dogs in dog shows. At the time of his death the couple owned three dogs: a German Shepherd and two Rottweilers. One of the Rottweilers, Rubin, was 3 years of age, weighed 53 kg and was 900mm tall.

In July 2022 while JW and XT were walking their two older dogs, the German Shepherd and Rubin, in South Hobart on leads they were attacked by another dog. Rubin suffered an injury to his ear and, during the incident, JW fell on him. JW suffered bites to both hands but did not know from which dog they had originated. He attended his general practitioner and his wounds were cleaned and dressed. They reported the incident to the local Council and to Tasmania Police. JW and XT also spoke to their dog trainer for advice on managing Rubin following the incident. Rubin continued attending training and exhibited no concerning behavioural changes nor signs of aggression.<sup>1</sup>

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<sup>1</sup> Affidavit of XT, Page 2.

On 11 September 2023, JW and XT were walking their two adult dogs along a track at Allens Rivulet. JW fell, landing on Rubin and down a .5 metre embankment. In response Rubin attacked and bit him. XT was able to pull Rubin away and took him home. JW was assisted by passersby and transported by ambulance to the emergency department of the Royal Hobart Hospital (RHH) where he was noted to have suffered multiple bite wounds to the right wrist, left shin, and left forearm and a large laceration and gaping wound to the left upper arm. He was admitted and on 12 September 2023 underwent debridement, washout and repair of the multiple dog bites under general anaesthetic. He was discharged on the 13 December 2023 with antibiotic cover. Following discharge JW attended outpatients regularly for wound review and dressing changes and required regular dressing changes through community nursing. At this time JW and XT considered euthanising Rubin however, decided against it.

At night on 15 October 2023, JW took Rubin into the garden. He fell, likely landing on Rubin. Rubin attacked JW. XT attempted to intervene by spraying Rubin in the face with water from the garden hose. Rubin dragged both JW and XT toward the side of the house. He bit XT on the left calf and continued to bite JW. XT eventually was able to secure Rubin in the front yard of their home. RV, alerted by the noise came to assist, called an ambulance and undertook cardiopulmonary resuscitation (CPR) on JW until the arrival of paramedics from Ambulance Tasmania.

Members of Tasmania Police and representatives of Kingsborough Council also attended the address. Rubin remained contained in the front yard of the home. He was growling and considered an ongoing risk. Rubin was humanely euthanised under and in accordance with the Dog Control Act 2000.

As a result of Rubin's attack on him, JW suffered lacerations of his legs to the extent that deep muscle and vasculature was exposed. He also had defensive injuries on both forearms.<sup>2</sup> He died at the scene. XT was also injured and was conveyed to the RHH for treatment.

Toxicological testing of a postmortem sample of JW's bodily fluids demonstrated that his blood alcohol content exceeded .15 g/100ml blood

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<sup>2</sup> Short final report of death to the coroner dated 22 December 2023 by Dr Ritchey.

at the time of his death.<sup>3</sup> I find that JW, likely affected by his alcohol intake, fell on Rubin in the dark of the night, triggering Rubin to react defensively and aggressively. Rubin's reaction, given his age, obedience and mild temperament prior to the July 2022 attack and training was likely an outcome of the July 2022 attack on him and fall.

- c) JW died from blood loss (exsanguination) due to being mauled by Rubin; and
- d) JW died on 15 October 2023 at Allens Rivulet, Tasmania.

In making the above findings I have had regard to the evidence gained in the investigation into JW's death. The evidence includes:

- The Police Report of Death for the Coroner;
- Affidavit confirming identity;
- Opinion of the forensic pathologist regarding cause of death dated 22 December 2023;
- Affidavit Neil McLachlan-Troup sworn 12 December 2023;
- Affidavits of attending and relevant members of Tasmanian Police including forensic photographs;
- Affidavit from XT, sworn on 23 November 2023;
- Affidavit from RV, sworn on 11 December 2023;
- Affidavit Ben Barnes sworn 7 December 2023;
- Affidavit James Brady sworn 13 December 2023;
- Affidavits from the Kingborough Council and corresponding records;
- Medical records from JW's GP and RHH; and
- Affidavit Jeffery Lickiss sworn 17 October 2023.

### **The behaviour of Rubin**

Rubin was purchased from Mr James Brady who had bred him from his own dog Morro. For the first three years of his life Rubin exhibited a good temperament and no behavioural concerns.<sup>4</sup> Morro consistently achieved high scores and success in obedience and show competitions and was the product of sperm imported from a German Rottweiler. Germany undertakes breed suitability testing (ZTP) to ensure all Rottweiler pups bred in Germany or through sperm sales from Germany, are of sound temperament. The testing is conducted on the dams, sires and on their

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<sup>3</sup> Affidavit of Neil McLachlan-Troup.

<sup>4</sup> Affidavit of XT, Page 1 & 2.

offspring. Licensing for breeding can be revoked if a dog or its offspring fails the testing.<sup>5</sup> No other pups bred from Morrow have shown any signs of aggression.<sup>6</sup> James remained friends with JW and XT and observed Rubin to be a lovely dog, large and powerful, bred to look good in a show and was an Australian champion.<sup>7</sup> He observed that Rubin had associated with many dogs and had many opportunities to show aggression in the past but had not. If he had been an aggressive dog he would have exhibited that behaviour in the first three years of life.<sup>8</sup> Due to their positive experience with Rubin, JW and XT later purchased a Rottweiler puppy from the James.<sup>9</sup>

Mr Ben Barnes, an experienced animal trainer working with dogs, holds a Certificate IV in Dog Behaviour and Training, was familiar with JW, XT and Rubin. Rubin attended group dog training classes run by Mr Barnes at his business HVK9 from when he was a 10 – 16 week puppy over a three year period. During his involvement with Rubin he had no issues and assessed him as a typical entire male and active Rottweiler.<sup>10</sup> Ben was aware of the attack on Rubin in July 2022, that JW had fallen on Rubin at this time, and Rubin had attacked JW in September 2023 after he had again fallen on him.

After the September 2023 incident XT consulted Ben regarding Rubin and was advised by Mr Barnes that Rubin could attack at any time again in the future and needed to be regarded as a dangerous dog.<sup>11</sup> In Ben's opinion Rubin's aggressive response to JW's fall was not a dominance or fear based aggression as he had not observed such behaviour over his lengthy involvement with Rubin in classes. In his opinion the cause of Rubin's aggression was likely an unknown medical condition, a genetic factor, his exposure to the trauma of the July 2022 attack or a combination of the three.<sup>12</sup>

### **Comments and Recommendations**

Whilst a well-bred and well-trained dog can become a much-loved pet and deeply ingrained in the fabric of a family, any expression of unexpected, unexplained, sudden aggression by a dog is a significant cause of concern regardless of whether it is out of character. Whilst the cause of Rubin's aggression was likely his experience

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<sup>5</sup> Affidavit of James Brady, Page 2.

<sup>6</sup> Affidavit of James Brady, Page 3.

<sup>7</sup> Affidavit of James Brady, Page 2.

<sup>8</sup> Affidavit of James Brady, Page 2 -3.

<sup>9</sup> Affidavit of James Brady, Page 2.

<sup>10</sup> Affidavit of Ben Barnes, Page 2.

<sup>11</sup> Affidavit of Ben Barnes, Page 2.

<sup>12</sup> Affidavit of Ben Barnes, Page 2.

of an attack on him by another dog and JW's fall on him, the incident in September 2023 was a clear warning that his behaviour could no longer be predicted, nor his obedience relied upon. Rubin was a large and powerful dog. He was in good physical health. He had demonstrated consistently over a long time good and obedient behaviour. However, Rubin had acted atypically and aggressively in the September 2023 incident. He caused significant injuries to JW. In the absence of a clear and resolvable cause for that behaviour, and to ensure that he presented no risk of harm to JW, XT or the community, responsible dog ownership required JW and XT to humanely euthanise Rubin at that time, regardless of their love for and care of him.

I extend my appreciation to investigating officer Constable Martin Dougan for his investigation and report.

The circumstances of JW's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act 1995*.

I convey my sincere condolences to the family and loved ones of JW

**Dated:** 28 April 2026 at Hobart, in the State of Tasmania.

**Leigh Mackey**  
**Coroner**