



Crown Law

Department of Justice

Your ref:
Our ref: CDC/LGP001/555/JZS
Contact: Helen Freemantle
Direct ph: [REDACTED]
Mobile: [REDACTED]
Email: [REDACTED]

6 March 2026

Mr Stuart Wood KC
Commissioner
CFMEU Commission of Inquiry

By email: [REDACTED]

Dear Commissioner,

Requirement to attend and give evidence – David Cappelletti (Notice 26167)

We refer to Notice No. 26167 ('Notice') received on 5 March 2026, requiring David Cappelletti to appear before the Commission of Inquiry ('COI') and give evidence between 10 March 2026 and 12 March 2026.

We have obtained instructions from Mr Cappelletti in response to the Notice. We have been instructed that Mr Cappelletti is currently suffering from significant anxiety and stress and does not have capacity to attend the COI in compliance with the Notice.

On 3 March 2026, we received written correspondence by email from Mr Cappelletti, which sets out his concerns about appearing before the COI. Mr Cappelletti outlined that he is currently suffering from stress and anxiety, which is born from personal and family issues, which has been exacerbated from dealing with the COI. Of significance, Mr Cappelletti states:

"I am very concerned and anxious about giving evidence at the commission and [REDACTED] I don't think that in my current mental state that I can give evidence at any commission hearings due to my current levels of severe anxiety." [**my emphasis**].

Having regard to the comments stated by Mr Cappelletti, as emphasised above, we hold significant concerns that if Mr Cappelletti was required to comply with the Notice, this may lead to an adverse medical outcome and further deterioration of Mr Cappelletti's current mental health.

A copy of the email dated 3 March 2025 is **enclosed**.

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In response to the email correspondence received by Mr Cappelletti, we advised him to attend his treating General Practitioner, Dr Sonia Ansell ('GP') and obtain a medical letter to support his current medical circumstances.

We have been instructed that Mr Cappelletti attended his treating GP on 5 March 2026 and obtained a medical letter. The medical opinion of the GP indicates that Mr Cappelletti is suffering from significant anxiety and stress and is currently not advised to give evidence in person.

A copy of the medical letter dated 5 March 2026 is **enclosed**.

We have obtained further instructions from Mr Cappelletti today. We have been advised that he remains unwell and is not in a fit state to appear before the COI next week. He confirms that he remains willing to co-operate with the COI and hopes to be in a position to give evidence at a later time but would prefer this to occur in a private session.

In the above circumstances, we respectfully request that you give due consideration to adjourn the evidence to be led by Mr Cappelletti to a later date.

Yours sincerely,

A solid black rectangular box used to redact the signature of Helen Freemantle.

Helen Freemantle
Assistant Crown Solicitor
for **Crown Solicitor**

Joel Sleep

From: David Cappelletti [REDACTED]
Sent: Tuesday, 3 March 2026 11:44 AM
To: Joel Sleep
Subject: hello

Hello Joel,

following our conversation this morning.

I just wanted to let you know that I attended my doctor yesterday due to my current stress and anxiety issues. I have a large number of personal and family issues at the moment and my anxiety levels have increased to a point where I am concerned about my mental health.

[REDACTED]
[REDACTED] I don't think that in my current mental state that I can give evidence at any commission hearings due to my current levels of severe anxiety.

I am currently seeing my doctor who is working to help me. As I said, I saw her yesterday and she is running some tests to rule out other health issues. She is very concerned at my current high stress and anxiety levels as am I.

Could you please speak with the commission and ask that I be withdrawn from giving any evidence due to my current situation

regards

David CAPELLETTI
Principal Inspector.
Workplace Health & Safety Queensland.
Office of Industrial relations.

M: [REDACTED]
E: [REDACTED]

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