
From: Legal
Sent: Wednesday, 11 March 2026 6:04 PM
To: 'David de Jersey'
Cc: Christopher Gardner; Patrick Wheelahan; Alastair Smith
Subject: RE: Mr Cappelletti

Dear Mr de Jersey KC,

Thank you for your email.

We can accommodate Mr Cappelletti with a preparation session with Mr Smith on Friday 13 March 2026.

This is with a view to him giving evidence on Tuesday 17 March 2026. However, Mr Smith is unavailable on Tuesday and therefore Mr Wheelahan KC will take Mr Cappelletti's evidence.

On the assumption that Mr Cappelletti will be in a position to give his evidence next Tuesday 17 March 2026, Dr Ansell will no longer be required and we will let her know of this as a next step.

Kind regards

Jack Kerin

Associate | Seyfarth Shaw Australia
Lawyers for Commission of Inquiry

M: [REDACTED]
E: [REDACTED]



From: David de Jersey [REDACTED]
Sent: Wednesday, 11 March 2026 5:27 PM
To: Patrick Wheelahan [REDACTED] Alastair Smith
[REDACTED]; Legal [REDACTED]
Subject: Mr Cappelletti

Dear Patrick and Alastair,

As mentioned this afternoon, correspondence was sent to Crown Law on Monday afternoon at 1:37 pm by counsel assisting, notifying that Mr Cappelletti "is now excused from compliance with this notice."

In the circumstances the necessity for evidence to be interrogated regarding Mr Cappelletti's health information was a matter that was new to me when it was announced in the hearing on 10 March.

I have spoken with Mr Cappelletti this afternoon.

I spoke in particular with him about means available to manage his condition, such as alertness to the possibility of additional breaks during the day if the process becomes too much for him.

Mr Cappelletti let me know following my discussion with him this afternoon in particular that he finds Alastair's manner to be particularly calming and soothing and that a preparation session with Alastair would be welcomed if it can be arranged.

In these circumstances, Mr Cappelletti has informed me this afternoon that can give evidence in person, with appropriate supports in place.

Could you please let me know when Mr Cappelletti is expected to be called and confirm as soon as possible that you have let Dr Ansell know that she is no longer required.

Kind regards,

David de Jersey KC



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Level 29 | 400 George Street | Brisbane 4000

P [REDACTED]

<https://www.georgestretchambers.com.au>

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From: Joel Sleep <[REDACTED]>
Sent: Friday, 6 March 2026 2:52 PM
To: Christopher Gardner
Cc: Helen Freemantle; Erin.Smith [REDACTED]; Bennett, Meredith 67080; Douglas Wilson; David de Jersey; Natalie Keys; cfmeuinquiry
Subject: RE: Strictly Confidential - David Cappelletti
Attachments: Letter to Commission in response to Notice 26167.pdf

Good afternoon Mr Gardner

Further to the below, please find **attached** letter in response to Notice No. 26167.

I commence leave this evening returning 16 March 2026, please liaise with Principal Lawyer, Natalie Keys, Counsel, Doug Wilson or ACS Helen Freemantle in relation to next steps.

Thank you for your consideration of this matter.

Kind Regards

Joel Sleep
Principal Lawyer
CFMEU Commission of Inquiry Team

Crown Law
Department of Justice

P: [REDACTED]
E: [REDACTED]
[Chat with me via Teams](#)

State Law Building, 50 Ann Street, Brisbane QLD 4000

From: Christopher Gardner <[REDACTED]>
Sent: Wednesday, 4 March 2026 3:31 PM
To: Meredith.Bennett [REDACTED]
Cc: Joel Sleep <[REDACTED]>; Helen Freemantle <[REDACTED]>; Erin.Smith [REDACTED]; Legal <[REDACTED]>
Subject: RE: Strictly Confidential - David Cappelletti

Dear Meredith,

Thank you for your email.

If David is unable to attend the informal meeting, then it obviously cannot proceed.

We await the response to the summons.

Chris Gardner
Partner | Seyfarth Shaw Australia
Lawyers for Commission of Inquiry
M: [REDACTED]

E: [REDACTED]



From: [Meredith.Bennett](#) [REDACTED]
Sent: Wednesday, 4 March 2026 12:42 PM
To: Christopher Gardner <[REDACTED]>
Cc: Joel Sleep <[REDACTED]>; Helen Freemantle <[REDACTED]>; [Erin.Smith](#) [REDACTED]; Legal <[REDACTED]>
Subject: Strictly Confidential - David Cappelletti

Dear Chris

Thank you for your time this morning and refer to my voicemail just now.

Further to our discussion, I understand that on Monday afternoon an informal meeting was scheduled to occur tomorrow afternoon between Mr Wheelahan KC and David Cappelletti (and legal representation).

As discussed, since that time, we have since received correspondence from David with respect to his current experience of personal and medical issues. We understand David is scheduled for a further medical appointment tomorrow afternoon.

In these circumstances, we respectfully request that the informal meeting be postponed. We will respond to the summons to give evidence issued to David separately with any supporting evidence available tomorrow / Friday morning.

Please do not hesitate to contact me with any queries.

Kind regards

Meredith Bennett

Partner

Ashurst Australia, 123 Eagle Street, Brisbane, QLD 4000, Australia

D: [REDACTED] | M: [REDACTED]

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



Crown Law

Department of Justice

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 I [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**.

State Law Building
50 Ann Street Brisbane
GPO Box 5221 Brisbane
Queensland 4001 Australia
Telephone 07 3031 5600
Facsimile 07 3031 5998
ABN 13 846 673 994

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.

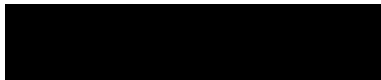
We have been instructed that Mr Cappelletti attended his treating GP on 5 March 2026 and obtained a medical letter. The medical opinion of the GP indicates that Mr Cappelletti is suffering from significant anxiety and stress and is currently not advised to give evidence in person.

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]
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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