

**Proviso: if no fit person is found in the department.**

record of their previous conduct in the Service, he may consider best fitted for the office: Provided, that when no person employed in the Department is found suitable for promotion therein, an examination shall be held of persons employed in the service of other Departments with a view to the promotion being made as far as practicable from the Service. [*As amended by 46 Vic., c. 7, s. 8.*]

**Promotion to be subject to probation.**

**40.** Every promotion so made shall be subject to a probation of not less than six months, but at any time during the first year the Head of the Department may reject the person promoted, or he may be definitely accepted at any time during the second period of six months after his promotion:

**Case of rejection.**

**2.** If the person so selected be rejected he shall then return to the performance of the duties in which he had been previously engaged.

**New selection,**

**41.** When any clerk who is promoted on probation is rejected, the Head of the Department shall select another in his stead from the candidates still remaining on the list of qualified persons made by the Board.

**As to former duties of clerk on probation.**

**42.** During the period a clerk is on probationary promotion the duties of the office previously held by him, shall, if necessary, be performed by a person selected for that purpose by the Head of the Department.

**Governor in Council to determine number of employees required in each division. Proviso.**

**43.** So soon as conveniently may be after the passing of this Act the Governor in Council shall determine the number of officers, chief clerks, clerks, messengers and other servants, that are required for the working of the several Departments in each division of the Civil Service, but the total amount of the salaries of the whole number shall, in no case, exceed that provided for by vote of Parliament for that purpose:

**If the number then attached be too great,**

**2.** If the number of employees then attached to any Department in either Division thereof and entitled according to the amounts of their salaries to rank in any class mentioned in this Act be greater than the number of such class allowed to the Department, as herein provided, the Governor in Council shall name the persons to fill the several offices, and the remainder shall be supernumerary clerks of that class respectively in which their then salaries entitle them to rank, and shall so remain until promoted in the manner herein provided or removed from the service.

**Doubts as to rank and class of present employees how decided.**

**44.** In case any doubt shall arise as to the rank or salary to be assigned, under the classification herein provided for, to any person who is a member of the Civil Service at the time of the passing of this Act, the fact shall be submitted in writing by the Deputy Head of the Department to which