

judiciary are all clearly specified. Those of the latter include setting out the number of hours of community service, approving agencies for whose benefit the work may be done, and determining the appropriate action to be taken in the event that either the offender or community agency violates the court order or work agreement.

Some community service advocates have suggested that provision be made for a community service order to be a separate sanction, instead of a condition of a probation order. Bill C-19 (which died on the Order Paper in 1984) endeavoured to make a community service order an independent sentencing option, consistent with the recommendations of the Law Reform Commission of Canada and the Sentencing Commission. If this were to take place now, it would focus on the reparative function, in contrast to the control and rehabilitative functions of probation. The argument may also be supported on the basis that, in the existing practice, some administrative inconsistencies about eligibility, duration and type of service have created a potential threat to the equality of justice.

ii. Maximum Number of Hours of Community Service

In Canada, there is no ceiling on the number of hours which may be ordered by the sentencing judge; nor are there any guidelines with respect to specific offences. Consequently, sentences vary considerably for similar offences (sentencing disparity) and some sentences are, in the opinion of the Community Service Order Coordinators' Association of Ontario (hereafter, "the CSO Association"), onerous on the offender and a burden to the community.

Most American states do not limit the number of hours which may be ordered. The CSO Association advised the Committee that excessive hours (in the thousands) have been ordered there and cautioned that this trend could be followed in Ontario. (Adult offenders in Ontario have received orders as high as 800, 1,000 and 3,000 hours.) It feels that performance of more than 200 hours of community service per year is unrealistic.

The CSO Association fears that community agencies which accept offender-volunteers will be less inclined to do so where a large number of hours has been ordered. Furthermore, excessive hours may decrease the offender's motivation and ultimately contribute to a poor attitude towards placement or a decrease in reliability.