

Aboriginal people must not only contend with the fragmented nature of federal programs, but have to overcome the barriers imposed by federal/provincial jurisdictions. Like other disability issues, those related to Aboriginal people either cross federal/provincial boundaries or lie in an area of exclusive provincial responsibility.

History has imposed complications that make the circumstances of Aboriginal people with disabilities intractable and frustrating. Over the years, Aboriginal people in this country have been arbitrarily grouped in categories that define their relationship with the federal and consequently, provincial governments. As Neil McDonald of Cross-Cultural Consultants put it:

*It's important to understand that being an Indian in Canada has nothing to do with biology or culture. Being an Indian in Canada has to do with the law...*

*When the federal government took jurisdiction over the Indians in 1867, not only did they [the government] have to find out who the Indians were, they had to come up with some kind of a tool to govern the Indian people. And... what they came up with, as you well know, was the Indian Act .*

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The *Indian Act* sets out a category of Aboriginal people who are known as status Indians—that is those people registered as “Indians” for the purposes of the Act. Many also came to fall under the statute as a result of treaties that their chiefs signed with the federal government. The *Indian Act* preserves Indian lands from being sold and regulates the lives of Indians who live on these lands. Neil McDonald gave a sense of the effect of the Act: