

When he became prime minister Tony Abbott brought the Indigenous affairs portfolio under the umbrella of the Department of Prime Minister and Cabinet (PM&C). It was a mark of the priority he said he wanted to give the area.

It's questionable how well the bureaucratic reshuffling has worked. Certainly not well enough, it seems, for a red flag to be raised when the atrocities in the Northern Territory juvenile detention system were laid out in an official report by the territory's Children's Commissioner in August 2015.

Mind you, we don't know what, if anything, was read or said by whom in the federal bureaucracy. Asked on Thursday whether he had inquired if any PM&C officials had read this and another relevant report of last year, Malcolm Turnbull said: "All of these matters will be considered by the Royal Commission." He added that he would examine the extent to which officers in the indigenous affairs group in PM&C "were aware of these matters".

The joint federal-NT royal commission born of Monday's galvanising Four Corners program, for which the terms of reference were released on Thursday, is narrower than many stakeholders wanted.

The government has rejected calls to have it [investigate nationwide](#), with Turnbull against its NT focus being diluted or its timetable becoming too extended. His arguments appear sound. The NT situation is the priority and should be dealt with as soon as possible, although the commission's findings will be relevant elsewhere.

There is more weight in the criticism of making it joint with the NT - when it is the NT being investigated. Turnbull's reply is that the commissioner, Brian Martin, a former chief justice of the NT Supreme Court, is independent of either government.

Martin himself, it might be noted, has caused controversy with certain of his judgements involving Aboriginal people. Whether this becomes an issue over coming days remains to be seen.

The commission has been asked to examine the failings not just in the NT youth detention system but also in its child protection system; the effectiveness of any oversight mechanisms and safeguards to ensure appropriate treatment of detainees; cultural and management issues in the youth detention system; whether laws or detainees' human rights have been breached; and whether more should have been done by the NT government to prevent the recurrence of inappropriate treatment.

The inquiry will look back as far as 2006, thus taking in conduct under both sides of politics. Its recommendations are to cover “legal, cultural, administrative and management reforms”.

Given that the young people incarcerated in the NT detention system are overwhelmingly indigenous, Martin acknowledged “whether racism does or doesn’t play a role, it will be part of the inquiry. This is about the child protection systems, it is about the culture. ... If people believe that racism plays a role, then that is going to be the subject of evidence before the Royal Commission,” he told a joint press conference with Turnbull and Attorney-General George Brandis.

The Giles government, facing the voters on August 27, may not be around to take the heat when the commission reports by the end of March.

Adam Giles is in disaster country whichever way he looks. In the NT the issue of law and order and the problems of a substantial, struggling and needy indigenous population often collide. This week’s events have made that collision harder for the embattled chief minister to handle.

Giles is simultaneously claiming his government responded to the earlier damning reports on the youth detention system, while saying he was shocked by the Four Corners images. “We actually called for the royal commission. I’m the person who said that it needed to happen,” he said on Thursday.

Then there are his unfortunate past words pursuing him. In 2010, complaining the then NT Labor government was “incapable of punishing prisoners in our corrections system,” Giles said that “if I was the prisons minister, I would build a big concrete hole and put all the bad criminals in there”.

Western Australian premier Colin Barnett, fending off calls for his own state's juvenile detention system to be probed, this week suggested a drastic response to the NT crisis.

"I don't believe the Northern Territory government is competent to be running its youth justice system and I think there is a strong case for the federal government, with the support of other states, to take over the management of that until it is in good and proper shape," Barnett said.

That's the last thing the Turnbull government would want to do. But if Turnbull is to back up his swift move for the royal commission, he does need an active policy to tackle the high rate of both youth and adult indigenous incarceration, which is a national disgrace.

As a first step, justice should be included in the Closing the Gap targets, as Labor has proposed.

Indigenous Affairs Minister Nigel Scullion said in February 2014 that the government was considering its position on this, but by the end of that year it had been rejected, with Scullion then and later giving varying poor reasons for the decision.

Turnbull should get the bureaucrats in PM&C to work, and take a proposal to the next Council of Australian Governments meeting to add justice to the list. It would be a small step but one that, if backed by some tangible measures, could be used to encourage a concerted effort from governments around the country. It would also be an appropriate accompaniment as the nation moves towards the indigenous recognition referendum.

Michelle Grattan does not work for, consult, own shares in or receive funding from any company or organisation that would benefit from this article, and has disclosed no relevant affiliations beyond the academic appointment above.

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Grattan on Friday: Turnbull should move to add justice to Closing the Gap targets

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